Handbook for
EUROPEAN UNION ELECTION OBSERVATION

third edition

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PREFACE


Federica Mogherini

The support to democracy worldwide is not just consistent with the European Union's fundamental principles: it is our clear interest, and a crucial tool for our foreign policy. Our neighbourhood's recent history tells us that authoritarian States can only be stable for so long. Only a functioning democracy can address its citizens' needs, meet their demands, fulfil their aspirations. Strong democratic institutions are vital to improve a country's resilience: they can help prevent the next crisis, stabilise a war-torn area or defuse tensions before they erupt into armed conflict.

An effective democratic system needs regular, inclusive, transparent and credible elections. This is why the European Union's election observation missions and the election assistance programmes are a fundamental part of our action to promote democracies, human rights and civil society participation worldwide.

The images of voters getting out of the polls – their forefingers marked with dark ink – have generated great hopes in many countries around the world. Still, the quality of an electoral competition has to be continuously re-assessed and improved: democracy will remain incomplete without a level playing field, a fair competition between candidates, freedom of expression, of assembly and association, the respect for human rights and a neutral and independent election management body, endowed with adequate resources to efficiently administer the electoral process. A vibrant civil society and diverse media landscape are also essential pre-requisites. Electoral observation is not just the task of one day.

For this reason the European External Action Service, the Council, the Commission and Member States are committed to a systematic follow-up to recommendations contained in reports by EU Election Observation Missions as well as other reputable election observation groups, such as OSCE/ODIHR: it is the whole electoral cycle that matters. The EU's New Action Plan on Human Rights and Democracy (2015-2019) further emphasises the need to consolidate best practices to ensure effective follow-up to Observation Missions. Our challenge in the coming years will be to strengthen the link with the wider democracy support.

The spirit that drives us is not one of 'exporting democracy'. We have learnt the hard way that real change can only spark from each and every society, and cannot be simply imported from the outside. Our approach must never be patronising. Democracy is never a *fait accompli*: in fact, the EU Member States systematically invite the OSCE/ODIHR to observe their own elections. No electoral process is perfect and all countries can benefit from the presence of external and independent observers.

Our commitment to supporting democracy and fair elections worldwide must always be based on mutual respect and on partnership. The role of domestic observer groups – working for increased transparency and integrity of electoral processes in their own country – is invaluable. At the same time, EU Election Observation Missions enhance our engagement with partner countries, including in support of their efforts to fulfil their international human rights obligations. And through the years the EU has built up a strong legacy as a reliable partner for democratic consolidation, a partner who can truly be trusted. Our Observation Missions apply with rigour the highest standards of professional integrity and independence. This has also become possible thanks to the leadership of the Chief Observers, who are usually Members of the European Parliament, and the constant support by EU Member States and all EU institutions. Their work – in cooperation with the observers, the experts and the support staff – contributes to making the EU a strong and principled actor on the global stage.

In 2005 we adopted, under the auspices of the United Nations, the *Declaration of Principles for International Election Observation*. Since then an ever-growing number of international and regional observer groups have endorsed this document, which has become the golden standard for credible and professional international election observation. Engaged from the outset in the elaboration of these principles, the EU has recommitted to the Declaration of Principles with the adoption in July 2015 of its second EU Action Plan for Human Rights and Democracy, just as we were celebrating the 10th anniversary of the Declaration. The EU will continue to closely cooperate with all international observer groups that wish to faithfully implement the Declaration.

This third edition of the *Handbook for European Union Election Observation* reflects the EU's long standing commitment to supporting democratic and inclusive elections around the world. Enriched with new sections addressing new and emerging topics, such as campaign finance and the rights of people with disabilities, this handbook is the main tool for EU election observers, and a wider public interested in democratic elections. But this is also an important building bloc for our external action: for a more democratic and stable neighbourhood, for inclusive and open societies, for an EU foreign policy truly consistent with our values.

Federica Mogherini

High Representative of the Union for Foreign Affairs and Security Policy
Vice-President of the Commission

INTRODUCTION

This third edition of the *Handbook for European Union Election Observation* reflects the EU's dynamic approach to election observation. While the EU's methodology for election observation has been continuously developed since it was established in 2000, the core principles upon which EU election observation is built – a long-term approach, encompassing all aspects of an electoral process, grounded in international human rights law – have remained largely unchanged.

Recent trends have also brought new challenges to election observation. Security concerns in parts of the world have affected the conduct of election processes and occasionally hindered the deployment of observers. The rapid development of information and communication technologies (ICTs) has also had a significant impact on the conduct of elections, offering new promises and challenges for election administrators, voters and observers alike. ICTs are reshaping not only the conduct of crucial aspects of the election processes such as voter registration and balloting procedures, but also the whole democratic environment, with web-based media allowing new opportunities of exchanges of opinions and information between people.

Building upon the solid framework provided in the second edition (2008), this handbook addresses new and emerging trends, both regarding the areas

of assessment of an Election Observation Mission (EOM) (*inter alia*, new technologies, online election-related content, campaign finance, rights of people with disabilities) and the practical aspects of EU observation (new developments on the approach to EOM security, election-day deployment and sampling and the transmission of observation data).

The EU's Election Observation and Democracy Support (EODS) project, following the NEEDS projects that started in 2001, has contributed to the on-going development of the EU observation methodology, coupled with trainings to ensure the on-going skills and capacity building of EU observers and core team members.

Purpose of the Handbook

The third edition of the *Handbook for European Union Election Observation* provides a comprehensive overview of the approach to international election observation by the EU, including the rationale for its methodology, the basis for its assessment of an election process, and a description of how EU Election Observation Missions are planned, deployed and implemented. As election observers always encourage the transparency of electoral processes, they must be equally transparent about their functioning. This handbook seeks to contribute to this commitment to openness.

This handbook is designed primarily for use by EU observers, both new and experienced. While the handbook is a general reference for all EU EOM mission members, including core team, long-term observers (LTOs) and short-term observers (STOs), certain sections deserve particular attention depending on the role played in the EOM. Core team members may be most interested in the comprehensive guidance provided on various aspects of the election process in Section Four. Long-term observers should find useful the detailed explanation of their role in Section Six. Short-term observers may wish to focus in particular on the election-day guidance provided in Section Seven.

In addition to providing guidance to EU observers, it is hoped that this handbook can contribute to the existing body of knowledge about election observation and its role in the field of human rights and democratisation. In this regard, this handbook may also be used by representatives of host governments, civil society activists, especially citizen observers, election administrators, political party representatives and other international bodies involved in election observation.

Structure of the Handbook

This handbook is divided into eight sections:

Section One is an introduction to the **rationale for the EU's observation of elections** in partner countries as part of its commitment to democracy, the rule of law and human rights. It outlines the role of different EU institutions in relation to election observation, the provision of technical assistance on elections and the EU's relations with other international election observer organisations. The section includes the Code of Conduct for EU Election Observers.

Section Two provides an overview of the framework for **international standards for elections** that stem from fundamental freedoms and political rights contained in universal and regional instruments. It describes how an EU EOM uses these standards, which have been agreed to by the country being observed, as the basis for its assessment of an electoral process. It also offers a brief overview of the UN human rights system.

Section Three details the comprehensive and long-term **EU EOM methodology** consistently applied when observing an election process. It also illustrates how EU election observation methodology ensures that an EU EOM provides an independent and impartial assessment, and works in a transparent and cooperative manner with election stakeholders and the State authorities of the host country.

Section Four comprehensively covers the **areas of assesment** of an electoral process. These are: political context; legal framework; election administration; registration of voters; registration of candidates and political parties; election campaign; media, including the methodology for media monitoring; complaints and appeals; human rights issues, including those relating to discrimination; role of civil society; voting and counting; tabulation and publication of results, and post-election environment. For each area of assessment, the handbook identifies key principles for a genuine and democratic electoral process, including the relevant international standards and good practice.

Section Five explains the steps the EEAS and the European Commission take to **establish an EU EOM**. It outlines the methods used to decide whether to observe an election process, including the deployment of an exploratory mission and minimum conditions for effective and credible election observation. The section gives an overview of the planning, preparation and deployment of an EU EOM. It also covers the EU's approach to security of EU EOMs and the safety of EU observers.

Section Six outlines the **roles and responsibilities** of EU election observers, including the specific tasks of core team members, long-term observers and short-term observers.

Section Seven provides guidance for the **election day observation** of voting and counting, including guidelines on reporting forms as well as specific points of observation when visiting polling stations. It also provides guidelines for observing the tabulation and publication of results and the post-election environment.

Section Eight provides guidelines for **EU EOM reporting**, including the preliminary statement (released shortly after election day) and the final report (released after the conclusion of the electoral process), as well as regular internal reporting. It also briefly explains the EU's approach to follow-up to EOM recommendations.

This handbook should be used together with the **Fourth edition** of the ***Compendium of International Standards for Elections* (2016)**, issued by the EODS project, which provides a detailed presentation of the international standards for elections, including the text, and ratification status by country, of the principal universal and regional instruments.

SECTION ONE

1 THE EUROPEAN UNION AND ELECTION OBSERVATION

1.1 The EU, democracy and human rights

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.
>
> **Art. 2, Treaty on European Union**
>
> The Union's action on the international scene shall be guided by the principles which have inspired its own creation [...] democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, [...]
>
> **Art. 21, Treaty on European Union**
>
> Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.
>
> **Art. 9, Cotonou Agreement**

The commitment of the EU to supporting, developing and consolidating democracy, the rule of law and human rights is at the core of the EU's identity, and is well-grounded in the various legal instruments that gov-

ern EU structures and activities. These include the Treaty on the European Union (1992),[1] which states that the EU 'is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.'

Externally, support to democracy is at the centre of the EU's Common Foreign and Security Policy (CFSP) and of the EU's development cooperation. Relations between the EU and its partners are established recognising that the consolidation of democratic institutions and human rights is a joint value and a common interest. In line with this policy, the EU provides extensive support to initiatives and programmes that seek to develop and consolidate human rights, democratic institutions and the rule of law in partner countries. Since the early 1990s, a human rights clause has been included in all EU agreements with partner countries. The Cotonou Agreement (2000) signed by the EU and partner countries in Africa, the Caribbean and Pacific (ACP) regions places strong emphasis on democracy, good governance and respect for human rights. These objectives were further developed in 2009 in the *Council Conclusions on Democracy Support in the EU's External Relations* as well as in the *Neighbourhood Communication* of May 2011.

1.2 The rationale for EU Election Observation

Election observation is a tool used in the context of the EU's wider policy of support for democracy, the rule of law and human rights. The international Covenant on Civil and Political Rights stipulates that citizens have the right to participate in the government and public affairs of their country by voting or being elected at genuine periodic elections. The right to participate cannot however be exercised in isolation: genuine and democratic elections can only take place when all citizens, without discrimination, are able to enjoy their fundamental freedoms and political rights. These include freedom of expression, association, assembly and movement. In addition, human rights, the right to participation and other associated fundamental freedoms can be enjoyed only through the protection afforded by the rule of law.

Elections provide the means for the people's will to be freely expressed when choosing their government. Governing institutions have democratic legitimacy when they have been granted the authority by the people to govern in the name of the people, and be accountable to the people for the exercise of that authority, through genuine and periodic elections.

A genuine and democratic electoral process can contribute to ensuring sustainable peace and stability. Elections provide groups with an oppor-

1 As amended by the Lisbon Treaty, December 2007.

tunity to express their political voice in competition with others without resorting to violence, and contribute to the peaceful transfer of political power. In this regard, election observation by the EU can complement and enhance other EU crisis management and peace-building initiatives in partner countries.

The EU also recognises that international election observation provides a comprehensive, independent and impartial assessment of an electoral process. As election observation enhances transparency and accountability, it can promote public confidence in the electoral process and may serve to promote electoral participation. This in turn can mitigate the potential for election-related conflicts. Together with other international observation groups, an EU EOM seeks to make a positive contribution without interfering in the conduct of an election, nor validating its result. It is only the people of the host country who can ultimately determine the credibility and legitimacy of an election process.

1.3 The mandate for EU Election Observation

The first EU EOM was deployed to the Russian Federation in 1993, which was followed by several other missions throughout the 1990s, always organised in an *ad hoc* manner. In 2000, in recognition of its growing role and increasing support for election observation activities, the European Commission adopted the **Communication on EU Election Assistance and Observation**,[2] which established a systemic and consistent approach. The Communication identified the main objectives of EU election observation:

- strengthen respect for fundamental freedoms and political rights;
- undertake a comprehensive assessment of an electoral process in accordance with international standards;
- enhance public confidence in the electoral and democratic processes, including providing a deterrence to fraud;
- contribute, where relevant, towards the prevention or resolution of conflict.

The Communication, which was subsequently endorsed by the Council of Ministers and the European Parliament, establishes a standard and consistent methodology for EU observation that is based on an impartial, independent and long-term assessment of an electoral process, in accordance with international standards for democratic elections. The Communication also provides a strategic and consistent approach to EU election observation activities. This includes a policy on deploying missions where

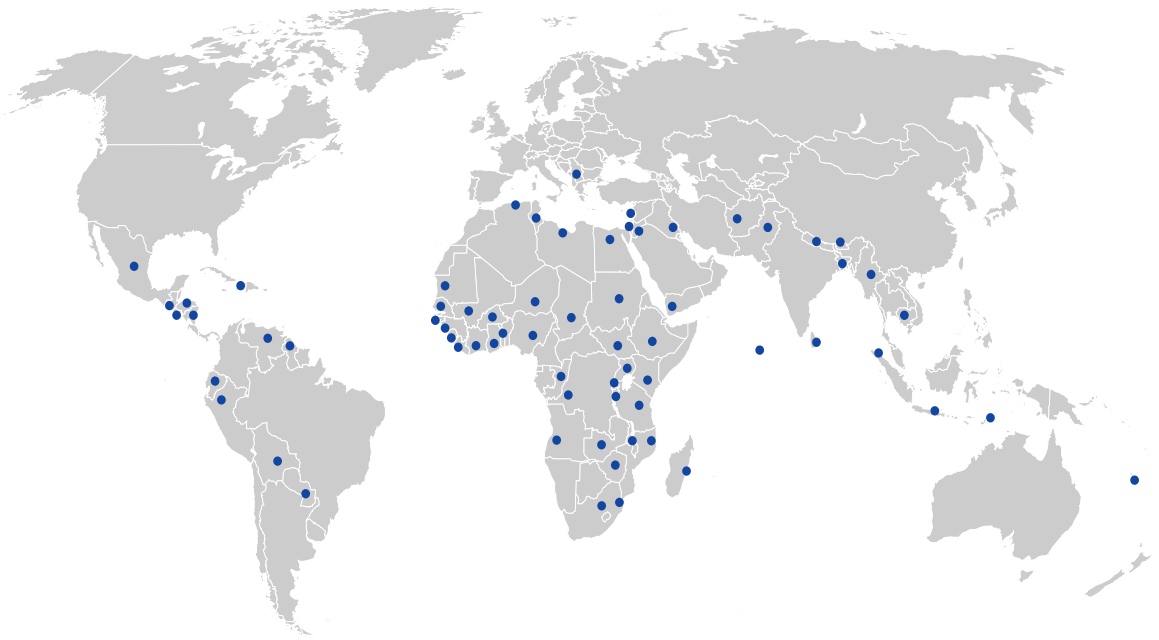
2 *Communication from the Commission on EU Election Assistance and Observation*, COM(2000)191

observation is complementary to the EU's efforts in supporting democracy and human rights, or where the EU is engaged in post-conflict stabilisation. Deployment should take place only if EU observers have the potential to bring added value and make a constructive contribution to the electoral process. At the same time, the decision whether to send a mission should not be seen as a pre-emptive judgment as to whether an election will be in line with international standards. EU EOMs are only deployed to countries where an invitation to observe has been received from the State and/or electoral authorities.

1.4 The scope of EU Election Observation

Between 2000 and 2015, the EU has deployed EOMs and Election Assessment Teams (EATs) in 65 countries around the globe (see map).

Each EU Member State is also a participating State of the Organization for Security and Cooperation in Europe (OSCE). Election observation within OSCE participating States is undertaken by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The EU and the OSCE/ODIHR use a comparable methodology. For these reasons the EU does not usually observe elections in the OSCE region.



Afghanistan	Haiti	Nigeria
Algeria	Honduras	Pakistan
Angola	Indonesia (incl. Aceh)	Paraguay
Bangladesh	Iraq	Peru
Bhutan	Ivory Coast	Rwanda
Bolivia	Jordan	Senegal
Burkina Faso	Kenya	Sierra Leone
Burundi	Kosovo	South Africa
Cambodia	Lebanon	Sri Lanka
Chad	Liberia	Sudan
Congo (Brazzaville)	Libya	Swaziland
Democratic Republic of Congo	Madagascar	Tanzania
Ecuador	Malawi	Timor Leste
Egypt	Maldives	Togo
El Salvador	Mali	Tunisia
Ethiopia	Mauritania	Uganda
Fiji	Mexico	Venezuela
Ghana	Mozambique	West Bank and Gaza
Guatemala	Myanmar	Yemen
Guinea	Nepal	Zambia
Guinea Bissau	Nicaragua	Zimbabwe
Guyana	Niger	

1.5 The role of EU institutions

An EU Election Observation Mission is an inter-institutional exercise. The 2000 Communication advocated coherence in the respective roles of the relevant EU institutions and services involved. These roles have adapted to the institutional changes introduced by the Treaty of Lisbon. Election Observation Missions are funded by the European Instrument for Democracy and Human Rights (EIDHR)[3], and this funding is managed by the European Commission Service for Foreign Policy Instruments (FPI).

The High Representative for Foreign Affairs and Security Policy and Vice President of the Commission (HR/VP) has the overall political responsibility for setting the annual EU election priorities. She/he decides on the deployment and oversees the overall functioning of EU EOMs. She/he is assisted by the European External Action Service (EEAS) for all political and electoral issues and by FPI for all operational, security and financial aspects of these missions.

EU EOMs are usually led by a Member of the European Parliament, who acts as Chief Observer and is appointed by the HR/VP.

3 The objective of the EIDHR is to work with, for and through civil society organisations, defending fundamental freedoms and helping civil society to become an effective force for dialogue, democratic reform and defence of human rights. It complements the new generation of geographical programmes, which increasingly focus on public institution building and reforms.

European External Action Service

The EEAS steers the overall election observation process. Within the EEAS, the Democracy and Election Observation Division leads programming of election observation activities and related policy aspects of implementation and follow-up. The Division's staff lead exploratory missions deployed to priority countries a few months ahead of elections, follow closely the political and electoral aspects of EOMs and coordinate follow-up to observation missions' recommendations. The Election Observation Division also coordinates with the Directorate-General for International Cooperation and Development (DEVCO) in the European Commission to ensure better coherence between electoral observation and electoral assistance. The EEAS also participates in the selection of the core team experts together with FPI.

The EEAS is responsible for the overall democracy support policy formulation and pilot implementation of the *Council Conclusions on Democracy Support in the EU's External Relations* and the development of relevant methodologies and guiding principles for general implementation. The EEAS is also responsible for coordinating the follow-up to EOM recommendations in cooperation with EU Delegations, Member States and the European Commission.

European Commission

The European Commission Service for Foreign Policy Instruments (FPI) leads the operational implementation of election observation activities and covers the practical implementation of observation missions - specifically the operational, security and financial aspects of these missions. FPI also presides over the selection panels for core team experts.

European Union Member States

In view of the political and diplomatic nature of election observation and to ensure EU policy coherence, the HR/VP through the EEAS consults EU Member States in the Political and Security Committee of the EU Council on the election priorities. The EEAS regularly informs Member States on the implementation of EOMs in the relevant Council Working Groups. Member States also propose short and long term observers. The role of the EU Member States is extremely important to the political follow-up of an EU EOM and the nomination of election observers.

European Parliament

The European Parliament plays a prominent role in election observation: it is consulted by the HR/VP on the identification and planning of EU EOMs, their follow-up and on the appointment of EU Chief Observers. The European Parliament also deploys election observation delegations fully integrated in the framework of the EU EOMs. Regular dialogue on EOMs and related issues takes place

between the EEAS, European Commission and the European Parliament in the context of the Democracy and Election Group. The role of the European Parliament is also important in the political follow-up to EU EOM recommendations.

1.6 Code of Conduct for EU election observers

All EU observers are bound by the following EU **code of conduct**.[4] This is in harmony with the code of conduct accompanying the *Declaration of Principles for International Election Observation* (see Annex I), to which EU observers should also adhere.

CODE OF CONDUCT FOR EU ELECTION OBSERVERS

1. Observers will respect the laws of the land. They enjoy no special immunities as international observers, unless the host country so provides.
2. Observers will participate in all pre-election briefings with their supervising officers.
3. Observers will be subject to the direction and management of the observer team leadership, carrying out their written terms of reference and covering the geographical schedules specified by team leaders.
4. Observers should be aware of the presence of other electoral observation groups, and liaise with them under the direction of the EU EOM leadership.
5. Observers will carry with them prescribed identification issued by the host government or election management body, and will identify themselves to any interested authority upon request.
6. Observers will maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.
7. Observers will not display or wear any partisan symbols, colours or banners.
8. Observers will undertake their duties in an unobtrusive manner, and will not disrupt or interfere with the election process, polling day procedures, or the vote count.
9. Observers may bring irregularities to the attention of the election officials, but will not give instructions or countermand decisions of the election officials.
10. Observers will base all conclusions on well documented, factual, and verifiable evidence, and will keep a record of the polling stations and other relevant places that they visit.
11. Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, but should provide, through a designated liaison officer or spokesperson, general information about the nature of their activities as observers.
12. Observers will participate in post-election de-briefings with their supervising officers and will contribute fully towards EU reports on the elections being observed.
13. Observers must comply with all national laws and regulations. Where these limit freedom of assembly or movement about the country, they must note where such rules prevent them from carrying out their duties.
14. At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgement, and observe the highest level of personal discretion.

4 The Code of Conduct for EU Election Observers was established by the Council Decision 9262/98 and is included as Annex III of the 2000 EC *Communication on Election Assistance and Observation*, COM(2000)191.

Code of Conduct violations

In case of a possible Code of Conduct violation, a fair inquiry is conducted into the matter under the responsibility of the Deputy Chief Observer who informs the Chief Observer. In case of disagreement, Observers have access to an appeals procedure.

Professional working environment

Beyond the stipulations of the Code of Conduct, all EU observers are expected at all times to contribute to a professional working environment that is free from intimidation or harassment, including sexual harassment. Special care should be taken to ensure that national staff members are protected from harassment. EU EOMs designate a focal point to whom staff members may bring any concerns in regard to the professional working environment.

EU observers should behave in a manner that demonstrates respect for the citizens and officials of the host country. In view of the need for EU EOMs to maintain the highest level of private and public conduct, EU observers should not patronise any establishments where victims of trafficking may be employed. Likewise, in accordance with the provisions of the code of conduct, which requires observers to 'behave blamelessly, exercise sound judgement, and observe the highest level of personal discretion', the abuse of alcohol, use of illegal drugs, and use of prostitution is strictly prohibited.

Use of social media

Adherence to points 11 and 14 of the Code of Conduct implies that observers shall refrain from posting on their personal social media accounts and other web-based media any content that may compromise the security of the EU EOM, its impartiality, professionalism and relations with the host country. Breach of these rules will be considered to be a breach of the Code of Conduct provisions.

1.7 EU electoral assistance

The EU is a leading global actor in the field of electoral assistance and provides technical and material support to electoral processes in many partner countries. The methodological approach to election assistance was outlined in the 2000 Communication. In recent years, there has been a significant increase in the funding and coverage of electoral assistance, which is tailored towards implementing long-term support strategies within the framework of democratic development and support to good governance.

The European External Action Service and the European Commission work closely with partner countries to follow-up on the recommendations of EU EOMs, especially in relation to strengthening the institutional capacity of election management bodies and the long-term needs of civil society. However, an EU EOM is politically independent from any EU-funded technical assistance projects that may be taking place in the country being observed.

A comprehensive overview of the role of the European Commission in election assistance is provided by the *EC Methodological Guide on Election Assistance*.[5]

1.8 Relations with other election observer organisations

1.8.1 International observer groups

The EEAS, the European Commission and European Parliament have endorsed the *Declaration of Principles for International Election Observation*, which establishes a universal code of practice for international election observation, intending to safeguard the integrity and purpose of this field of work. Under the *Declaration of Principles*, all endorsing organisations pledge to cooperate with each other in conducting international election observation missions. Therefore, EU EOMs routinely cooperate with delegations of observers from other bodies that have endorsed the *Declaration of Principles*. The EU has strongly supported the development of a common approach to election observation methodology, and is committed to increasing cooperation and links with other international bodies involved in election observation.

5 *EC Methodological Guide on Election Assistance*, EuropeAid, Brussels, 2006

1.8.2 Citizen election observers

The EU has supported the development of citizen election observation in many countries. Such support recognises that citizen observation can greatly enhance transparency as well as public confidence in the integrity of an electoral process. For example, on election day, citizen observers provide an independent scrutiny of voting and counting. Activities such as 'parallel vote tabulations' or 'quick counts' (where observers verify the accuracy of election results based on a statistical sample of polling stations), if performed according to a strict methodology, can be significant deterrents against fraud and other irregularities. Citizen election observers have also an important role to play in the analysis of the legal framework, voter registration, as well as during the election campaign through the monitoring of campaign events, the media, campaign finance, impartiality of the public administration, and in the post-election phase. In addition, citizen observers can play a key advocacy role in promoting election reforms, including on the basis of EU EOM recommendations.

The *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*, adopted in 2012 and endorsed by more than 190 organisations, provides an important set of standards for self-awareness and accountability among non-partisan election monitoring organisations. The endorsing organisations together form the Global Network of Domestic Election Monitors (GNDEM), which seeks to promote the credibility and accountability of citizen observation through sharing of knowledge and interactive communication among members.

The European Commission provides considerable support to the development of the capacity and credibility of citizen observer groups with a particular focus on their use of long-term and comprehensive methodology and the use of international standards in assessment and reporting. EU EOMs liaise closely with citizen election observers groups and welcome information from them on the conduct of the electoral process, but draw their own assessments and conclusions, independently of domestic groups.

SECTION TWO

2 INTERNATIONAL STANDARDS FOR ELECTIONS

2.1 Key definitions

2.1.1 International standards

The term 'international standards' used throughout this handbook refers indiscriminately to the general principles defined in international treaties and other instruments, including political declarations, and to the criteria that have been developed over time to specify the scope of application of these principles.

International human rights treaties and other instruments define minimum standards as obligations that can be fulfilled by different means left, largely, to the discretion of States. This being said, during the last twenty years, international human rights law has evolved considerably over the question of the best ways to achieve the goal of democratic elections, and a set of criteria based on both international law and the practice of States and inter-governmental organisations has gradually emerged. These criteria aim to clarify the principles in ways that take account of concrete situations.

In that sense, the term 'international standards' also includes comments and clarifications provided by human rights monitoring bodies and regional courts. The authority of their interpretation of treaty provisions is such that it is to be considered an integral part of international standards.

2.1.2 'Good practice' and other resources

When assessing an electoral process, EU observers may rely on other sources than 'international standards' in the narrow sense. Reference can be made, for instance, to 'good practice', meaning State practices that help illustrate how countries can fulfil their obligations under international law, while accommodating their specific needs.

Furthermore, the international observation of elections in many countries in democratic transition has also contributed to developing specific assessment criteria, reflected various types of text such as codes of good practice, guidelines, expert analyses, observation handbooks, or policy statements.

EU observers must however use these sources with caution. They may benefit from a broad consensus within the election expert community, but may not be universally accepted. Texts and documents promoting assessment criteria that go beyond what can be inferred from legally-binding or politically-binding instruments may be useful as guidance, but they should not be referred to as binding norms.

2.1.3 National legal framework

In addition, an EU EOM will also assess the extent to which an electoral process has been conducted in accordance with the national legal framework and the degree to which national laws support or inhibit compliance with international standards for elections.

2.2 Overview of the UN human rights system

Before the Second World War, there was no generally accepted and comprehensive set of human rights at the international level. The origin of the UN human rights system lies in the 1945 UN Charter, which sets as one of the purposes of the United Nations "to achieve international cooperation [...] in promoting and encouraging respect for human rights..."[1] The Charter refers to 'human rights' but does not define their meaning and substantive content.

In 1946 the UN Commission on Human Rights was created with a first task to set standards and give substance to the notion of 'human rights' used in the Charter. It did so first in developing the Universal Declaration, and subsequently the legally-binding International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights.

1 UN Charter, Article 1

In the mid-70s, the Commission on Human Rights became more active in investigating and reporting on human rights violations and since 1979, **special procedures** have been put in place with a thematic or country-specific focus.

As of early 2016, there are 41 thematic and 14 country-specific mandates. Of particular interest for electoral matters are the reports of the country-specific mandates, as well as the reports of several thematic mandates, most notably of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.[2]

In 2006 a UNGA resolution turned the Commission into the new UN Human Rights Council and created the process of the Universal Periodic Review (UPR), through which all States declare the steps they are taking to foster human rights in their country.[3]

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted in 1948. Formally, it is a non-binding UN General Assembly Resolution; yet it has been regarded as the "authoritative interpretation of the term 'human rights' in the UN Charter, and thus can be considered indirectly constituting international treaty law. All human rights activities and mechanisms of the Human Rights Commission and other bodies of the United Nations, which are directly based on the Charter, refer to the Universal Declaration as universally recognised standards accepted by all States."[4]

The UDHR was significant in the development of political participation as a universally accepted human right. Political participation, both as a voter and as a candidate, is linked to a number of other substantive human rights without which it cannot be meaningfully exercised. These include the freedoms of assembly, expression, association and movement. For example, there is no meaningful right to participate as a political representative if one's party cannot be registered, one's supporters cannot attend a rally, and one's opinions are not allowed to be published.

The International Covenant on Civil and Political Rights

The international human rights associated with political participation were further developed and codified by the International Covenant on Civil and Political Rights (ICCPR),[5] signed in 1966, which is binding under interna-

2 For more information, please visit the 'human rights bodies' page at www.ohchr.org.

3 See, UNGA Resolution 60/251, *Human Right Council*, A/RES/60/251

4 Manfred Nowak, *Introduction to the International Human Rights Regime*, MNP, Leiden, 2003, p.76

5 http://www.ohchr.org/english/law/ccpr.htm

tional law on all States that are party to it.[6] The ICCPR builds on the right to political participation, detailing the requirements associated with elections that are a key part of this right. Other important treaties in the electoral context are mentioned below in Section 2.4.

Signing and ratification of human rights treaties

Once a State has signed and ratified a human rights document, it becomes bound by it and is required to implement it in its national law.[7] If a State has signed but not ratified it, the State is not legally bound by it, but it is obliged not to carry out acts that would defeat the object and purpose of the treaty. The purpose of having a time period between signature and ratification is for States to seek domestic approval of the treaty, and to enact the necessary implementing legislation. Some States may enter reservations to certain articles of a treaty when they ratify; this limits their obligations under the treaty. Information on which States have signed and ratified human rights treaties can be found in the *Compendium of International Standards for Elections*, and on the UN treaty database.[8]

Enforcement of human rights treaties

One of the big issues in international law is how human rights are enforced and what actions can be taken against a State Party that is not complying with the terms of a human rights treaty. Each treaty has a committee or monitoring body which checks compliance: in the case of the ICCPR it is the UN Human Rights Committee.[9] There are two principal enforcement mechanisms:

- these treaty monitoring bodies require periodic reports from each country on how the treaty is being implemented and enforced, and engage in a dialogue with each country over problematic areas;

- States Parties can choose to recognise the competence of the treaty monitoring committees to receive communications from individuals alleging a violation of their rights.[10] The committee then publishes its views on these cases.

The committees also publish their interpretations of the treaties as General Comments/recommendations. The reports and comments are publicly available on the committees' websites.

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6 As of January 2016, 168 States are a party to the ICCPR. Malaysia, Myanmar and Saudi Arabia were among those that had neither signed nor ratified it, and China and Cuba were among those that had signed but not ratified it.

7 Accession and ratification have equivalent effects.

8 http://treaties.un.org/

9 http://www.ohchr.org/

10 The usual means for a State Party to accept the Committee's jurisdiction over individual complaints is to sign an optional protocol to that effect.

There are limits to the effectiveness of these enforcement measures, and if a country is prepared to face national and international criticism, it can continue to violate human rights. Political and diplomatic pressure, both national and international, is often a more effective means to press for the enforcement of human rights treaties and to hold States accountable for failing to meet international standards.

2.3 Human rights protection at regional level

In addition to the UN system, regional bodies have their own mechanisms to enforce the regional human rights treaties (see Section 2.6 below). These include the Inter-American Commission and Court on Human Rights, the European Court of Human Rights and the African Commission and Court on Human and Peoples' Rights.[11] Cases are reported from these bodies, and although not binding on States who are not parties to the regional instruments in question, they are part of the case-law of the international human rights system, and may help to explain and interpret these rights.[12]

2.4 Universal legal instruments for elections

The essential elements of the right to political participation are enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

2.4.1 The Right to Participate in Government and Public Affairs

UDHR Article 21

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

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

ICCPR Article 25

Every citizen shall have the right and the opportunity, without any distinction […] and without unreasonable restrictions:

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

(b) to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

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

11 These bodies operate within the framework of regional organisations: Organization of American States, the Council of Europe and the African Union.

12 For further details see Chapter 2 of the *Compendium of International Standards for Elections*, which cites case-law with reference to several aspects of the rights associated with political participation.

2.4.2 Other fundamental freedoms

The UDHR and ICCPR also establish fundamental freedoms which relate to elections and the wider electoral environment. These include:

	UDHR	ICCPR
- *freedoms of opinion and expression*	Art. 19	Art. 19
- *freedom of peaceful assembly*	Art. 20	Art. 21
- *freedom of association*	Art. 20	Art. 22
- *freedom of movement*	Art. 13	Art. 12
- *freedom from discrimination*	Art. 2	Arts. 2 and 3
- *the right to an effective legal remedy*	Art. 8	Art. 2

2.4.3 Interpretation of the ICCPR

The United Nations Human Rights Committee issues General Comments which provide authoritative interpretations on ICCPR provisions. Particularly relevant to elections are General Comment No. 25 (1996) on Article 25 (*The right to participate in public affairs and voting rights*),[13] as well as General Comment No. 31 (2004) on State Parties' obligations[14] and General Comment No. 34 (2011) on Freedoms of opinion and expression.[15]

These comments provide a useful basis for interpreting the provisions and scope of the Covenant, for example by clarifying and defining the reasonableness of any restrictions upon those rights.

2.5 Other universal legal instruments for elections

Other universal human rights treaties provide additional standards for electoral processes and the wider environment in which they take place. They include:

- the International Covenant on the Elimination of Racial Discrimination (CERD) (1966);[16]
- the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979);[17]
- the Convention on the Rights of Persons With Disabilities (CRPD) (2006).[18]

13 Available at http://www.ccprcentre.org and http://www.ohchr.org .

14 Human Rights Committee, General Comment 31, *Nature of the General Legal Obligation on States Parties to the Covenant*, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004)

15 Human Rights Committee, General Comment 34, *Freedoms of Opinion and Expression*, U.N. Doc. CCPR/C/GC/34 (2011)

16 See also: General Recommendation No. 20 of the ICERD Committee on Article 5. Also see General Recommendation No. 25 of the ICERD Committee on gender-related dimensions of racial discrimination.

17 See also: General Recommendation No. 23 of the CEDAW Committee on Political and Public Life (1997).

18 The Convention was adopted in December 2006, and entered into force in May 2008.

In addition, several provisions of the UN Convention against Corruption (2003) are relevant for the election process, in particular as regards transparency and political finance.

2.6 Principal regional instruments for elections

There are a number of instruments providing standards relating to elections which are agreed to by States within a geographic region or as members of an international organisation. These instruments can have the status of treaties, which are legally binding upon signatories, or can be declarations of political commitments, which have a persuasive impact on a country and can be considered as 'politically binding'. Both treaties and political commitments provide important regional sources for election standards in many countries where the EU observes and, where relevant, are referred to in EU EOM reporting.

Regional Body	Treaties	Political Declarations, Commitments, and other initiatives
African Union (AU)	African Charter on Human and Peoples' Rights (1981) African Charter on Democracy, Elections and Governance (2007)	African Union Declaration on Principles Governing Democratic Elections (2007)
Economic Community of West African States (ECOWAS)	ECOWAS Protocol on Democracy and Good Governance (2001)	Declaration of Political Principles of ECOWAS (1991)
Southern African Development Community (SADC)		SADC Principles and Guidelines on Democratic Elections (2004)
Organisation of American States (OAS)	American Convention on Human Rights (1969)	American Declaration of the Rights and Duties of Man (1948)
League of Arab States (LAS)	Arab Charter on Human Rights (2004)	
The Commonwealth		Harare Commonwealth Declaration (1991)
Organization for Security and Cooperation in Europe (OSCE)		Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990)
Council of Europe (CoE)	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	European Commission for Democracy through Law (Venice Commission) Code of Good Practice on Electoral Matters (2002)

2.7 Applying international standards

Section Four of this handbook details the structured methodology by which an EU EOM applies international standards for elections and good practice for democratic elections to its assessment of all aspects of an electoral process. In its reports, the EU EOM identifies areas where international standards have been met and where they have not.

In most countries, the primary source of reference on the relevant international standards for an election is the ICCPR, although an EU EOM also routinely takes account of the standards for elections established in other universal and regional instruments. In countries that have not signed and/or ratified the ICCPR, EU EOMs refers to the provisions of the UDHR, as well as other treaties or commitments, as the source of international standards for elections.

The conduct of an election can be influenced by a range of contextual factors. In circumstances where international standards have not been met, or where national law has not been followed, an EU EOM considers whether there are mitigating or aggravating factors, thus placing those circumstances into context. These factors are often described as the 'grey zone' (see table below for examples).

Both mitigating and aggravating factors are considered carefully when an EU EOM assesses any particular failure to meet international standards. For example, an EU EOM may be less critical when problems are not deliberate and are addressed openly, while it will be highly critical of any election where there is manipulation or undue political or executive interference.

Considering contextual factors when assessing any particular problem	
Towards a more positive assessment ←	**Towards a more negative assessment** →
Mitigating factors - post-conflict or first multi-party election - poor infrastructure and/or poverty preventing sufficient financial investment in elections - *force majeure* - no previous history of electoral problems - the problem is isolated or limited in nature - the problem is non-discriminatory - willingness to admit and address the problem - there is no undue interference with the process - the problem is addressed with openness, transparency and inclusiveness - the problem is addressed through appropriate and/or lawful channels - the problem is caused by inadvertent error - the problem is not deliberate or a result of dishonesty - public confidence in system is maintained despite problems - peaceful atmosphere	**Aggravating factors** - country has an 'established' electoral history - no external cause - unrealistic electoral budget - the problem was foreseeable - persistence of the problem from previous elections - the problem is of regional or national scale - the problem affects a specific group - refusal to acknowledge the problem despite evidence of its occurrence - undue government or partisan interference in the process - opaque problem-solving procedure - exclusion or repression of stakeholders - the problem remains unaddressed or is addressed using inappropriate or unlawful means - the problem is caused by deliberate political action - public confidence in the system is diminished - coercion and violence - dishonesty

SECTION THREE

3 EU OBSERVATION METHODOLOGY

3.1 Consistency

To ensure a consistent approach to election observation, the EU applies the same methodology to assess an electoral process in all countries where it observes elections. This methodology was established by the 2000 *Communication on Election Assistance and Observation* and is in line with the *Declaration of Principles for International Election Observation* commemorated at the United Nations in 2005. The EU deploys experienced observers who come from a variety of backgrounds and provides training in the different aspects of election observation. All observers are obliged to adhere to the Code of Conduct for EU Election Observers (see Section 1.6).

The EU observation methodology ensures that information on the conduct of an election and other indicators of the wider democratic environment are gathered systematically by observers. The use of international standards for elections, as established in universal instruments, ensures that the information gathered is assessed through a standard approach that is relevant to all countries. Assessment of an election does not involve comparison between individual countries. Safeguards are provided against subjective or partisan assessments of the election process.

3.2 Comprehensive and long-term observation

EU observation methodology focuses comprehensively on all aspects and stages of an election process (see Section Four). In their reports, EU EOMs cover the following areas of assessment, relevant to all elections:

1. Political context
2. Legal framework (including electoral system)
3. Election administration
4. Voter registration
5. Party and candidate registration
6. Election campaign
7. Electoral violence
8. Media
9. Online election-related content
10. Complaints and appeals
11. Human rights (including participation of women, minorities and persons with disabilities)
12. Role of civil society
13. Election day
14. Results and post-election environment

The assessment work of an EU EOM is undertaken through the direct observation of electoral events by EU observers and analysis of information obtained from relevant documents and meetings with a broad range of national and regional election stakeholders (see Section Seven). Observers are deployed in the capital city and in regional locations across the host country to ensure that there is a balance of different regions and of urban and rural areas.

An election is not a one-day event, but a process that runs through a cycle encompassing various stages, including: designing of a legal framework; establishment of election management bodies; registration of voters; registration of parties and/or candidates; campaign; voting, counting and tabulation; and the handling of complaints and appeals.

The electoral process is also connected to broader issues of democracy, rule of law and human rights. A comprehensive assessment of an electoral process therefore requires the EU EOM to have a long-term presence in the host country. Ideally, EU observers will be present from the opening of the campaign to the announcement of final results and the adjudication of any election-related complaints. Where processes such as the registration of voters and candidates takes place before EU observers are deployed,[1] an as-

1 For certain elections the EU deploys Election Expert Missions to assess the voter registration process, findings of which feed into the EOM's overall assessment, but this is not a systematic approach.

sessment can still be made of relevant legal and procedural issues and, from the information the EU EOM receives from interlocutors, as well as from its own assessment of available data, the extent to which the law and procedures were properly implemented.

If an EU EOM is able to observe the electoral process only partially (for example because of a shortened deployment period, or if there are restrictions in accessing a specific region of a country), this will be explained in its statements and reports.

3.3 Increased coverage on election day

On election day, an EU EOM increases its coverage to observe voting and counting at polling stations. EU observers are deployed in mobile teams of two throughout the host country, and within its designated region, each team visits a number of different polling stations selected to reflect the distribution of the population in the country. This should for instance include a proportional ratio of urban to rural population, and take into account the presence of minority groups.

To ensure the consistency of election day observation, EU observer teams use standard reporting forms and spend a minimum of 30 minutes in each polling station.

3.4 Impartial and independent assessment

EU election observers are obliged to be strictly impartial and not to show bias towards any side in an electoral process. They will only base their find-

ings on accurate and credible information. The EU EOM will not accept offers of assistance or support that may compromise its independence or be perceived as partisanship.

An EU EOM is politically independent in its findings and conclusions, which are reached on the basis of the standard methodology here described. Although there will be close cooperation with the EU institutions, an EU EOM operates under a separate and distinct mandate from that of the EEAS, the European Commission and EU Delegation present in the country. An EU EOM collaborates with other international election observers from organisations that have endorsed the 2005 *Declaration of Principles*, but bases its findings and conclusions on its own observations only, thus retaining its independence.

3.5 Non-interference in the electoral process

EU observers do not interfere in the electoral process. Where problems are observed, the EU EOM may bring them to the attention of electoral authorities but does not intervene to correct or otherwise directly influence the proceedings. EU observers seek to have a courteous and constructive relationship with the electoral authorities and all electoral stakeholders. An EU EOM reports on the honesty, accuracy, transparency and timely delivery of election results only, not on the political outcome of the results. In its final report, an EU EOM offers recommendations for improving the integrity and effectiveness of future electoral processes and the wider process of democratisation.

3.6 Cooperation with the host country

EU observers respect and adhere to the laws of the host country. An EU EOM is deployed only after receipt of an invitation from the State and/or the electoral authorities of the host country. Memorandums of Understanding (MoUs) between the EU and the host country (usually one with the Election Management Body (EMB) and one with the government) outline the rights and responsibilities of both parties. The MOUs include reference to the EU EOM's mandate to act impartially and not to interfere in the electoral process.

In return, the MOUs provide guarantees that the EU EOM is able to enjoy the necessary conditions for effective and credible observation. These normally include:

- unimpeded access to all aspects of the electoral process and to all persons concerned with the election;

- the freedom to operate without interference, including the freedom to issue public statements and reports;
- the freedom of movement around the country and conditions that ensure the safety and security of EU observers;
- the issuing of appropriate accreditation by the electoral authorities, which should be provided on a non-discriminatory basis;
- guarantees that there will be no adverse action against its national or foreign staff or others who assist the EU EOM with its work.

3.7 Openness in findings and visibility in work

An EU EOM issues a public preliminary statement shortly after voting has been completed (usually within 48 hours) at a press conference, where the Chief Observer is open to questions. A comprehensive final report is issued within two months of the completion of the election process. In addition, the EU EOM undertakes public outreach activities during the course of its deployment to raise public awareness and understanding of its presence, mandate and role.

SECTION FOUR

4 AREAS OF ASSESSMENT

This section outlines the areas of an electoral process that will be assessed by an EU EOM as part of its long-term and comprehensive observation. For each individual area of assessment, the following information is provided:

- a **background description** of the area being assessed, including key indicators of what is necessary for there to be a genuine and democratic electoral process;
- a **chart** identifying:
  - the international standards that are relevant to the area being assessed;
  - examples of best practice that facilitate the achievement of genuine democratic elections in the area being assessed;
- an indicative **checklist of issues** the EU EOM considers when assessing the extent to which an electoral process is conducted in accordance with international standards;
- **guidance** for effective election observation of the particular area.

These areas of assessment provide direction in particular for core team members and LTOs on what specific aspects of an electoral process they should analyse. The areas of assessment detailed here are reflected in all EU EOM reporting, including interim reports, preliminary statements and final reports.

4.1 Political context

All citizens have the right to participate in government and to take part in the conduct of public affairs through elections that shall reflect the free expression of the will of the electorate. The democratic legitimacy of a government stems from the authority granted to it by the electorate, and the government is accountable to the electorate for its exercise of that authority, through genuine and periodic elections.

However, the conduct of an election should be assessed within the broader democratic framework of the host country. In its analysis of the political context of the electoral process, the EU EOM considers the background to the elections. This includes *inter alia*:

- the shape of the political system, its cleavages, and any specific features relevant for the analysis of the environment in which elections take place;
- the composition of the current parliament and the main issues of political discourse;
- the conditions for political parties and pluralism;
- opportunities for citizens to participate in government and public affairs;
- previous electoral events in the country;
- issues related to respect for human rights and the rule of law.

The political context also explains any special circumstances surrounding the electoral process – for instance if it is a post-conflict election following a peace agreement, an early election called after the collapse of a coalition, if some political forces are boycotting the election, etc. It can also extend to looking at the shape of the State institutions as defined in the constitution of the country, the separation of powers and whether elected bodies exercise their authority.

International standards	Examples of good practice
Free Expression of the Will of the Electorate [1] - Where citizens participate in the conduct of public affairs through freely chosen representatives, those representatives are able to exercise governmental power and are accountable through the electoral process for the exercise of that power. **Periodic Elections**[2] - Genuine, periodic elections are essential to ensure the accountability of representatives for the exercise of the powers vested in them. - Elections must be held at intervals which are not unduly long and which ensure that the authority of government continues to be based on the free expression of the will of electors.	- Elected representatives win and hold their seats as individuals and cannot be removed during their mandate by political parties. - Elections for a legislature take place every 2-5 years and for an executive president every 4-6 years. - There is provision for early elections to be called in specific circumstances, such as a parliamentary vote of no confidence in the government, and by-elections to replace vacancies amongst representatives.

Issues to be considered by the EU EOM

- Is the authority to govern exercised by an elected body that holds democratic legitimacy?
- Are elections to the body held with sufficient regularity?
- Have the elections been called according to schedule and by due procedures? Where early elections are held, have they been called according to procedures? Where elections have been delayed but are now taking place, what were the reasons for the delay?
- Are there other political factors relevant to the conduct of the electoral process?
- Are there any conditions created by the broader environment that make it difficult for candidates/political parties to operate?
- Is a broad range of opinions represented by existing candidates/political parties to ensure the voters have a genuine choice?
- Have elected officials been duly installed in office following previous elections?

4.2 Legal framework

4.2.1 Election-related legislation

An electoral process takes place within a framework of legislative and regulatory provisions. The legal framework is expected to provide a basis for the conduct of an electoral process in accordance with international standards for democratic elections, and should include guarantees for the exercise of fundamental freedoms and political rights associated with elections.

In addition to specific electoral legislation, the national legal framework includes provisions of the constitution, and laws regulating voter registration, political parties, civil society organisations, the media and campaign finance, as well as criminal and administrative laws. The legal framework also includes administrative decrees and secondary legislation regulating aspects of the election process. An EU EOM also considers any recent reform of the legal framework, including any changes to the constitution that may affect the exercise of political rights.

Whatever the source, election legislation and regulations should be consistent with other laws and provide adequate detail on all aspects of the electoral process, limiting opportunities for inconsistent or arbitrary implementation.

The EU EOM systematically assesses what the conditions provided in the law are for the exercise of the right to political participation, and whether the restrictions to the exercise of electoral rights are reasonable. For example, the right to vote is typically limited to citizens having reached a certain age, campaign activities are conducted within a framework of rules, etc.

An EU EOM looks at whether these conditions are in line with the following principles:

1 UN Human Rights Committee, General Comment No. 25, para. 7

2 UN Human Rights Committee, General Comment No. 25, para. 9

- Any conditions which apply to the exercise of the rights protected by article 25 should be based on **objective and reasonable criteria;**
- The exercise of these rights by citizens may not be suspended or excluded except on grounds which are **established by law** and which are objective and reasonable;
- The conditions to which the right to vote is made subject do not curtail the right to such an extent as to **impair its very essence** and deprive it of its **effectiveness;**
- The restrictions should pursue a **legitimate aim;**
- The means employed should not be **disproportionate.** [3]

An EU EOM also looks at the way the electoral legislation was adopted. The process for adopting election-related laws is expected to have been undertaken in a manner that ensures broad support for the legal framework for elections. Experience has shown that confidence in the election legislation is enhanced when it is drafted in an open and inclusive manner, and there is consensus or broad agreement on important issues, such as the electoral system and the composition of the election administration. Late changes in legislation or delays in adopting regulations on key issues can undermine an electoral process.

Assessing the legal framework

The legal analyst reviews the legal framework for elections to assess the degree to which it meets international standards. S/he first needs to identify the relevant universal and regional instruments applicable to the host country.

The legal analyst undertakes a systematic analysis of the essential elements of the legal framework, including:

- a general outline of the State institutions,
- the definition of suffrage rights,
- the electoral system,
- the campaign rules, including any campaign finance legislation,
- complaints and appeals.

Together with the election analyst:

- the election administration structure, functions and powers as provided by the law,
- election day and post-election procedures, as provided by the law.

The legal analyst assesses if the primary legislation is in line with international standards and also if the legislation is specific and detailed enough to prevent arbitrary implementation.

An assessment of the legal framework also includes how the relevant laws are implemented, so that all rights are protected, respected and fulfilled. All bodies with specific responsibilities to enforce the law (*e.g.*, the election management body, public prosecutors, judiciary, media regulators, and government officials) should do so in a consistent and impartial manner, in line with the legal framework and international standards for democratic elections.

3 For detailed guidance on this matter, see: United Nations, Economic and Social Council, *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, U.N. Doc. E/CN.4/1985/4, Annex (1985).

International standards	Examples of good practice
Right to Participation[4] - Any conditions which apply to the exercise of electoral rights should be based on objective and reasonable criteria. Electoral rights may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable. - Fundamental freedoms and political rights, including electoral rights and voting process, should be established and guaranteed by law. **Freedoms of Expression, Assembly and Association**[5] - Freedom of expression, assembly and association are essential conditions for democratic elections and must be fully protected. **Non-Discrimination**[6] - No distinctions are permitted between citizens in the enjoyment of electoral rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	- The primary legal source on elections has been adopted by parliament, not issued by executive decree. - The essential components of the electoral framework (suffrage rights, electoral system, election administration competencies and means, election calendar, campaign rules and calendar, voting, counting and tabulation procedures, and complaints and appeals) are unambiguously defined in primary legislation. - The election law enjoys broad support of opposition parties as well as the support of parties backing the government. - The legislative framework for elections is prepared and adopted in an inclusive and transparent process. - Election-related laws and regulations are easily accessible for public inspection. - The legal framework for elections is established well ahead of the start of the electoral process (preferably no less than one year before). If late amendments are needed, there should be broad agreement amongst electoral stakeholders, and any changes should be well publicised.

Issues to be considered by the EU EOM

- Does the legal framework provide a sound basis for the conduct of elections in accordance with international standards, including guarantees of fundamental freedoms and political rights?
- Are all aspects of the electoral process established in law and in adequate detail before the start of the election process?
- Does the legal framework allow delaying the holding of elections on vague or subjective grounds?
- Are there any legal provisions that directly or indirectly discriminate against particular individuals or groups?
- What is the status of international law within the legal system? Where international law is not directly applicable in national courts, have steps been taken to incorporate it into law?
- Does the legal framework for elections enjoy broad confidence among electoral stakeholders?
- Is the legal framework implemented and complied with in a consistent and impartial manner?
- Is the law enforced in a consistent and impartial manner by the relevant authorities?
- Were there any late changes to the laws or regulations? If so, was there adequate publicity to ensure that stakeholders were aware of the changes? Was there a valid reason and general consensus behind the late changes?

4 ICCPR Article 2(2) and UN Human Rights Committee General Comment No. 25 paragraphs 4 and 8

5 UN Human Rights Committee, General Comment No. 25, para. 12

6 UN Human Rights Committee, General Comment No. 25, para. 8

USEFUL READINGS, AMONG OTHERS:

EODS/NEEDS projects, *Compendium of International Standards for Elections*, 4th Edition, 2016;

Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (OSCE/ODIHR), *Guidelines for Reviewing a Legal Framework for Elections*, 2nd Edition, 2013;

The Carter Center, *Election Obligations and Standards*, 2014;

Democracy Reporting International – The Carter Center, *Strengthening International Law to Support Democratic Governance and Genuine Elections*, 2012;

Patrick Merloe, National Democratic Institute for International Affairs (NDI), *Promoting Legal Frameworks for Democratic Elections,* 2008*;*

Guy Goodwin-Gill*, Inter-parliamentary Union, Free and Fair Elections*, 2nd Edition, 2006;

International IDEA, *International Obligations for Elections, Guidelines for Legal Frameworks*, 2014.

4.2.2 Electoral Systems

The choice of the electoral system plays a crucial role in determining the relationship between the electorate and the elected institutions. Each electoral system has its own distinct characteristics which impact on how votes cast will be translated into electoral results, and how the electoral support enjoyed by political forces is translated into actual representation. The choice of the electoral system is therefore a matter of considerable political impact. Typically, when the adoption or a modification of the electoral system is at stake, political forces favour the electoral system that maximises their electoral advantage.

There is no particular model of an electoral system that can be considered as an 'international standard', and the choice of the electoral system is generally viewed as a sovereign matter that has to do with the specific political history, culture and context of a country. The fundamental elements of an electoral system must nevertheless be compatible with electoral rights, in particular equal and universal suffrage, and must guarantee and give effect to the free expression of the will of the electors.

There is no pre-defined classification of electoral systems, but they are generally divided in three large groups: majoritarian, proportional and mixed. Within these categories, there is a wide variety of systems, depending on the types of electoral districts, the seat allocation formula, the number of rounds, etc.

Overview of the main electoral systems

1. Plurality-Majority Systems: The candidate (or the list) who obtained the majority of votes at the decisive round of voting is declared elected. Among plurality-majority systems, the most common are where voters choose one candidate for a single seat in an electoral district. The winning candidate must either win the largest number (i.e., the plurality) or the absolute majority of the votes cast.

- *First Past the Post (FPTP)*

  Used in single-member districts. The winning candidate is the one who gains more votes than any other candidate but not necessarily an absolute majority of the votes.

- *Two-Round System (TRS)*

  Used in single-member districts. Voters vote for one candidate. A candidate receiving over 50 per cent of votes cast wins; otherwise, a second round election is held between the two candidates who received the most votes in the first round or between candidates that reached a certain share of the votes. The second round is a run-off in which the winner receives an absolute majority of votes (or a plurality of the vote when more than two candidates are admitted to the second round).

- *Alternative Vote (AV)*

  Used in single-member districts. Voters indicate their choices on the ballot paper in order of preference. A candidate receiving over 50 per cent of first preferences wins; otherwise, second-preference votes (and then third-preference votes, etc.) of those candidates with lowest numbers of first preference votes are reallocated until one candidate has an absolute majority of votes cast.

- *Block Vote (BV)*

  Used in multi-member districts in which voters have as many votes as there are candidates to be elected. Counting is identical to the FPTP-system: candidates with the highest totals win the seats. Where votes are cast for parties, not individual candidates, it is referred to as Party Block Vote.

- *Limited Vote (LV)*

  Used in multi-member districts. Voters have more than one vote but fewer votes than there are candidates to be elected. Counting is identical to the FPTP-system: candidates with the highest number of votes win.

- *Single Non-Transferable Vote (SNTV)*

  Used in multi-member districts, but (unlike Block Vote) voters can only vote for one candidate. Seats are allocated to as many of the 'highest-polling' individual candidates as there are seats allocated to the district.

2. Proportional Systems: Proportional systems allocate seats on a proportional basis, using formulae that distribute seats on the basis of the proportion of the votes won by candidates or parties.

- *List Proportional Representation (List PR)*

  Used in multi-member districts. Voters vote for one list of candidates, typically submitted by a political party, and candidate lists receive seats in proportion to their overall share of the vote. Seats are distributed using a specific method (Quota methods, such as Hare or Imperiali, or Divisor methods, such as D'Hondt or Sainte-Laguë).

  List PR may have 'closed' or 'open' party lists.

  - *Closed List:* voters are restricted to voting for the list as it is and cannot express a preference for any candidate within the list.
  - *Open List:* voters can express a preference for one or several candidates within the list, as well as voting for the entire list as it is presented.

Overview of the main electoral systems

- *Single Transferable Vote (STV)*

  A preferential PR system used in multi-member districts. Candidates must gain a specified quota of first-preference votes to win a seat. When a successful candidate is elected or an unsuccessful candidate excluded, the voters' preferences are reallocated to their next choice of candidates.

3. Mixed Systems: Mixed systems use a combination of plurality-majority and proportional systems. Mixed systems are divided between those referred to as "dependent" and those referred to as "independent".

- *Dependent mixed systems or 'Mixed Member Proportional' (MMP)*

  One group of seats is elected using a plurality-majority system, usually from single member districts. Another group of seats is chosen through a proportional system. The proportionally-elected seats are allocated using formulae that 'compensate' for any disproportionality produced by the plurality-majority seat results.

- *Independent mixed systems or 'Parallel System'*

  A proportional system is used in parallel with a plurality-majority system, but unlike MMP the seats won in the proportional election do not compensate for any disproportionality that may arise from the plurality-majority system.

Electoral systems may include a component that seeks to address previous imbalances in political representation through the use of quotas or reserved seats to promote the representation of, for example, women and minorities. If such a mechanism is in place, the EU EOM should consider the degree to which it achieves the stated goal. Bearing in mind that the choice of an electoral system is a sovereign matter, an EU EOM can nevertheless refer to "reviewing the electoral system with consideration to differential impact on women's participation", with reference to the UN General Assembly Resolution 66/130 on Women and Political Participation, adopted in December 2011[7].

Boundary delineation

As part of its assessment of an electoral system, the EU EOM reviews the procedures for the delineation of electoral boundaries, as these may have a considerable impact on the election process, in particular its adherence to the principle of equality. The guiding principle for boundary delineation is indeed equal suffrage, and more specifically equal voting strength. Boundary delineation should be regularly reviewed, in order to make sure that equal suffrage and equal voting strength are maintained despite the demographic evolution in the country. The drawing of boundaries should be undertaken using a transparent and consistent procedure established by law, and may include the use of criteria such as population size and geographical or administrative boundaries.

7 In this resolution, the UN General Assembly "*... urges all States to take, inter alia, the following actions to ensure women's equal participation, (a) To review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate*".

Considering the electoral system

Although the EU EOM does not assess the choice of electoral system *per se*, it considers whether there is public confidence in the chosen system, what the positions of election contestants are regarding the electoral system, and what the main features and potential effects of the system are.

In proportional systems, the legal and election analysts pay particular attention to how the system translates votes cast in favour of a candidate or political party into seats. The legal and election analysts consider factors such as the electoral formula used to allocate seats and any minimum thresholds that parties or candidates must reach in order to win a seat. A high threshold or a low district magnitude in a proportional system can also lead to large numbers of 'wasted votes', where the choices of many voters are not represented.

International standards	Examples of good practice
Free Expression of the Will of the Electorate[8] - Although the ICCPR does not impose any particular electoral system, any system operating in a State Party must be compatible with electoral rights and must guarantee and give effect to the free expression of the will of the electors. **Equal Suffrage**[9] - The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. - The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely. **Non-Discrimination**[10] - Temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory but shall in no way entail the maintenance of unequal or separate standards.	- The electoral system has been chosen through wide consultation. There is broad support among political parties and other election stakeholders on the choice of electoral system. - The electoral system is not frequently changed and has not been changed to give advantage to a particular political party or grouping. - The delineation of electoral boundaries and the distribution of seats among electoral districts is based on justifiable and established criteria and reflects the size of the population of each district so that each elected official represents approximately the same number of electors. - Electoral boundaries are drawn by an impartial, non-political body and are reviewed periodically, for example, after a census and/or major demographic change. - Voters in the same election cast the same number of votes using similar voting procedures. - Temporary measures are implemented to provide a more equitable representation of women or minority groups in elected office. - Legislation requires that a certain percentage of candidates of each gender appear in designated places on party candidate lists; this can ensure the election of both women and men without discriminating against either group.

8 UN Human Rights Committee, General Comment No. 25, para. 21

9 *Ibid*.

10 CEDAW Article 4(1)

Issues to be considered by the EU EOM

- Is the electoral system, as well as all formulae and procedures for translating votes into results, clearly provided for in law?
- Does the electoral system guarantee equality of suffrage?
- Does the choice of electoral system have the broad support of the key electoral stakeholders?
- Is the functioning of electoral system widely understood by the public? Is there public confidence that the electoral system provides for the free expression of the will of the electorate?
- Has the electoral system, or elements of it, been changed for political purposes?
- Are there requirements to review boundary delineation on a regular basis? Are the procedures for the delineation of electoral boundaries based on transparent and justifiable criteria? Have electoral boundaries been drawn in a discriminatory or distorted manner?
- Does the electoral system include reserved seats or quotas that aim to promote the representation of women or other historically disadvantaged groups? What is the effect of these mechanisms in practice?

USEFUL READINGS, AMONG OTHERS:

Nils-Christian Bormann and Matt Golder, *Democratic Electoral Systems around the World: 1946-2011*, Electoral Studies 32(2) (2013);

United Nations, Focal Point for Electoral Assistance, *UN support to electoral system design and reform*, Electoral Assistance Division (EAD), UN DPA, 13 September 2013;

European Commission for Democracy through Law (Venice Commission), *Report on electoral systems*, CDL-AD(2004)003;

International IDEA, *Electoral System Design*, 2005.

4.3 Election administration

4.3.1 The work of the Election Management Body (EMB)

Role and responsibilities of the EMB

The effectiveness and professionalism of the bodies responsible for administering an election are crucial to achieving a genuine electoral process. The manner in which the election administration, generically referred to as the Election Management Body (EMB), conducts the election should provide a framework that ensures citizens are able to enjoy their fundamental freedoms and political rights.

The administration(s) in charge of conducting elections should work transparently, efficiently and professionally, and are expected to supervise and administer the electoral process so that it is conducted fairly, impartially and in accordance with national laws and international standards for elections.

Assessing the election administration starts with identifying and mapping with precision the institutional set up, the competencies and the resources of the EMB.

Types of EMBs

There are many models for administering elections. They are usually categorised in three main groups:

- independent EMBs, where elections are organised by a body that is administratively autonomous and independent from governmental institutions;
- governmental EMBs, where elections are organised by agencies of national and/or local government, e.g. the Ministry of Interior; and
- mixed EMBs, where the electoral process is implemented by agencies of national and/or local government and supervised/directed by bodies that are independent from the executive branch.

EMBs may incorporate a mixture of these various models, in addition to which various branches of central and local government may be involved in the electoral process (*e.g.* for voter registration). In some circumstances, such as a post-conflict country, an EMB may also include members of the international community. EMBs may also be recipients of international technical assistance.

In the *independent EMB* model, the highest responsible level may be composed of members from different backgrounds, and appointed according to different methods (*e.g.* nomination by parliament or open recruitment).

- A non-partisan independent EMB consists of members who are appointed on the basis of their professional experience, without political affiliation.
- A partisan independent EMB consists of members nominated by political parties. Their presence promotes involvement and responsibility as well as extended opportunities for scrutiny. The credibility of partisan EMBs is greatly enhanced where its membership is representative of the political spectrum, especially participants in the election, and when those members act in a collegial, consensual and constructive manner rather than along party lines. Partisan EMBs may however be more vulnerable to political blockages.
- A mixed independent EMB may include both partisan and non-partisan members.

Structure of the EMB

Within an election administration structure, it is usually possible to distinguish a **policy-making level** and an **implementation level**.

In the independent EMB model, the policy-making level is usually an election commission responsible for decision-making and supervision of the entire process. In this case, the implementation level usually comprises a secretariat and lower-level election commissions that may reflect the different levels of local government (*e.g.* region, district, municipality), or the electoral districts. All these bodies may operate on a permanent basis, or be temporary bodies established for the electoral period only.

In the governmental model, the policy-making level might be shared between different agencies of central or local government, depending on their respective competencies in the election process. The implementation is most often left to local authorities.

EMB functioning

Regardless of the model chosen, an EMB should act independently and impartially. To ensure that its decisions are seen to be free from partisan interests, the EMB should act in a transparent and accountable manner. Good practice has shown that public confidence in an EMB is enhanced if all stakeholders are made fully aware of its work.

Transparency can be enhanced through the prompt publication of all decisions, consultation with election stakeholders, regular briefings of the media, and, as the case may be, possibilities for accredited party or candidate representatives and observers to attend EMB sessions.

For EMBs that are independent from government structures, **functional independence**, understood as the capacity for the EMB to fulfil its mandate free from outside interference, is facilitated by control of a realistic budget and resources (human and material) rather than reliance on *ad hoc* government funding and support. The **personal independence** of election commission members, understood as their capacity to direct the process free from fear or favour, may be undermined if the law permits their arbitrary removal or replacement.

Assessing the election administration

An EU EOM observes and assesses the work of the election administration at all levels, both in terms of policy-making and implementation.

- The election analyst assesses the work of the highest level of the EMB and LTOs assess the work of the regional or local bodies.

- The election analyst and LTOs should seek to meet the election administration regularly and, where possible, observe their meetings to understand the working methods and dynamics within the body.

- The election analyst and LTOs should follow each stage of election preparations to determine whether they are conducted according to procedures and in a timely and effective manner. They should also seek to observe the training of officials to check its quality and comprehensiveness.

International standards	Examples of good practice
Genuine Elections[11] An EMB should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws. There should be independent scrutiny of the voting and counting process so that electors have confidence in the electoral process. **Transparency and Prevention of Corruption**[12] [Each State party shall] take such measures as may be necessary to enhance transparency in public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, *inter alia*: (a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public; Each State Party shall take appropriate measures, [...] to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes; (b) Ensuring that the public has effective access to information.	- The EMB acts in a transparent, impartial, independent and inclusive manner, taking decisions by consensus, to the largest extent possible. - The EMB is fully accountable for its activities. - Political representatives, observers (both domestic and international), media and other relevant stakeholders have full access to information. - Transparency measures include: publication of all decisions and minutes on a website and in a computer readable format, allowing political representatives and observer groups to attend sessions, holding press conferences and regular consultative meetings with stakeholders. - Election officials are provided with training on their role and responsibilities. - The EMB uses established rules of procedure. - The highest level of the EMB has the authority to issue regulations and orders to lower-level bodies to ensure consistent procedures throughout the country. - The EMB has an adequate budget, over which it has control.

11 UN Human Rights Committee, General Comment No. 25, para. 20

12 UNCAC, Art. 10(a) and Art. 13

Issues to be considered by the EU EOM

The following areas of assessment are relevant for all levels of the work of an EMB, including the highest level body, regional bodies and polling station committees.

- Is the EMB adhering to the law, including compliance with legal deadlines?
- Does the EMB function in accordance with rules of procedure?
- Is there public confidence in the work of the EMB?
- Are the powers of the EMB – at all levels – established in law, including obligations to administer and supervise an electoral process fairly, impartially and in accordance with the law?
- Is the EMB acting independently (functioning in a fair and impartial manner)?
- Is the EMB able to work freely, without interference or pressure?
- Does the EMB act in a transparent and inclusive manner? Is it providing access for its work to be scrutinised by accredited representatives, observers and media?
- Does the EMB take decisions by consensus?
- Is the EMB communicating effectively with election stakeholders and the wider public?
- Is the EMB consulting appropriately with political parties, candidates, civil society organisations and other election stakeholders?

Issues specific to higher-level bodies (*i.e.*, those above polling station level):

- Is there effective coordination and clear distinction of roles among the different branches of the EMB?
- Is the EMB planning effectively for all foreseeable needs within an adequate timeframe, including the appointment of all necessary personnel?
- Does the EMB issue clear and timely instructions/decisions?
- Are sensitive electoral materials produced in a manner that guarantees their integrity?
- Is the EMB providing adequate training for its personnel?
- Does the EMB have adequate financial and other resources?
- Does the EMB have control of its own budget and staffing?

In the case of an Executive EMB:

- Are there sufficient safeguards to ensure the EMB acts independently of partisan or political interests?

In the case of an Independent or Judicial EMB:

- Is the independence of the EMB and its members sufficiently guaranteed in law and in practice?

In the case of a Non-Partisan Independent EMB:

- Does the EMB membership reflect a non-partisan balance of interests?
- Is there public confidence in the ability of the EMB to act in a non-partisan and independent manner?

In the case of a Partisan Independent EMB:

- Does the EMB membership provide a representative balance of the political spectrum and participants in the election?
- Are all members able to assume their position in the EMB? Do all members have equal access to information?
- Does the EMB work in a collegial, consensual and constructive manner?

USEFUL READINGS, AMONG OTHERS:

Pr. Rafael López-Pintor, UNDP, *Electoral Management Bodies as Institutions of Governance*, 2000;

International IDEA, *Electoral Management Design,* 2006;

ACE Project, The Electoral KNowledge Network, aceproject.org;

The Electoral Institute of Southern Africa (EISA), the Electoral Commissions Forum, *Principles for Election Management, Monitoring, and Observation in the SADC Region,* 2003;

European Commission for Democracy through Law (Venice Commission), *Code of Good Practice in Electoral Matters*, CDL-AD(2002)23.

4.3.2 Voter education and information

Voter information and education activities are necessary to ensure that all eligible citizens are aware of their rights and understand how to exercise them. They range from broad issues on governance and political party programmes (civic education) to informing citizens where, when and how they can actually vote (voter information). A lack of proper information (for example: where to vote, with which ID documents, how to mark a ballot validly, etc.) can result in voters being unable to exercise their rights.

Responsibility for impartial voter education rests with the EMBs, as State bodies, frequently in conjunction with civil society and the media. Voter education initiatives are of particular importance in countries with a limited democratic tradition and/or low levels of literacy. Ahead of election day, all voters need to be provided with essential information, such as the polling date, times, their assigned polling station, and how to cast their vote. Similar information should also be provided ahead of voter registration initiatives.

Voters should also be aware of the significance of the election, the type of election taking place, the identities of candidates and political parties and the way in which their choice should be indicated on the ballot. The EMB has a responsibility to ensure this information is provided without discrimination ahead of election day and to make adequate information available in polling stations on election day.

Assessing voter education/information

The EU EOM observes voter education from both the 'supply' and 'demand' sides.

On the supply side, the election analyst and LTOs should ask the EMB at all levels about their voter education initiatives, particularly those aimed at groups of voters who might be less likely to participate (*e.g.* first-time voters, women, minorities and disabled persons).

The election analyst and LTOs should also meet with civil society organisations that are carrying out voter education initiatives and should observe any voter education events taking place in their areas of responsibility, and how widespread they are. STOs can observe whether the required voter information is available in polling stations and in what languages.

On the demand side, the election analyst and LTOs should try to determine how effective voter education has been and whether it reaches its target audiences. This is a difficult issue to definitively assess without use of an extensive survey, but one way is to interview civil society organisations that represent specific target groups and ask their impressions. On election day, STOs can observe whether voters appear to understand the process or seem confused.

International standards	Examples of good practice
Right of Participation[13] - Voter education campaigns are necessary to ensure the effective exercise by an informed community of their electoral rights. - Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice.	- Widespread voter education campaigns are undertaken by the authorities, including the EMB, and supported by civil society. - All voter education is impartial. - The EMB cooperates with civil society and the electronic and print media on voter education. - Voter education targets groups that might be least likely to vote, including persons who have just reached voting age, women and minority populations. - Voter education is conducted in minority languages.

Issues to be considered by the EU EOM

- Is voter education being conducted to inform citizens of their electoral rights and opportunity to participate in the electoral process? Is this effective, especially in providing voter education to groups or individuals who might be less likely to participate, *e.g.*, women, first-time voters (usually young people) and minority groups?
- Does voter education include voter registration and encourage citizens to ensure they are registered to vote?
- Are voters aware of the election and familiar with candidates, parties, and issues as well as registration and voting requirements?

13 UN Human Rights Committee, General Comment No. 25, paragraphs 11 and 12

Issues to be considered by the EU EOM

- In newly established democracies, is there civic education to inform voters about the principles of democracy, and of their rights and responsibilities within it?
- Is voter education provided in an impartial manner? If civic education is provided, is it conducted in an impartial manner?
- How is civil society involved in voter education? Are civil society efforts facilitated by the EMB?
- What methods are used to reach illiterate voters? Is voter education conducted in minority languages?

4.4 Voter registration

4.4.1 The Right to Vote

The right to vote should be established by law, provided without discrimination and with only reasonable restrictions. The most common restrictions relate to citizenship, age and residence.

Non-discrimination: As with any other right protected by ICCPR, the principle of non-discrimination applies to voting rights. "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"[14].

Citizenship is generally a condition for voting, and art. 25 of ICCPR, contrary to other provisions of the Covenant, spells rights for 'citizens' to participate in the government of 'their country'. This principle applies to all citizens. In General Comment 25, the UN Human Right Committee states that distinctions between those entitled to citizenship by birth and those who acquire it by naturalisation may raise questions of compatibility with article 25. The same principle should apply to dual citizens, in countries allowing dual citizenship.

Minimum age: The legal age of voting does not necessarily have to coincide with the age of the civil majority, but the "attainment of the age of majority, entailing not only rights but also obligations of a civil nature, must at least confer the right to vote"[15]. For an EU EOM, it is important to consider if a lowering of the minimum age for voting may have been politically motivated. Attention should be paid to whether those who come of voting age between the close of registration and polling day are effectively enfranchised.

14 ICCPR Article 2

15 European Commission for Democracy through Law (Venice Commission), *Code of Good Practice in Electoral Matters*, CDL-AD(2002)23, para. 6

Residency requirements (duration): The exercise of the right to vote is normally submitted to the requirement for voters to have their residence where the election takes place. There are very specific cases when a requirement of minimum residency duration may be introduced, in particular in cases of elections and referendums affecting a national minority or the future of a specific territory.[16]

Prisoners' right to vote: In many countries, persons serving a prison sentence are deprived of their right to vote. This exclusion can be *de jure*, based in the domestic legislation, but can also be *de facto*, resulting from the absence of a specific procedure permitting people in detention to vote. Several international human rights bodies have ruled that a blanket deprivation of the right to vote to anyone sentenced to a prison term, irrespective of the nature or gravity of the offence, is a violation of voting rights.[17]

Military personnel: Several countries, in particular in Latin America and in the Arab world, exclude the military from exercising the right to vote. Human rights academics have expressed different views on this issue and there is no clear-cut case-law.[18] There is nevertheless a global trend to broadening the franchise.

Out-of-country voting: International instruments do not provide explicit obligations for States to organise out-of-country voting (OCV) for citizens living abroad.[19] While countries which have adopted OCV procedures approach it with great diversity in terms of eligibility and techniques, the out-of-country process must guarantee the same level of transparency, secrecy and integrity as the in-country process. OCV often leads to considerable additional costs and logistical challenges for the country, and usual guarantees of transparency and integrity might be more difficult to put in place.[20]

Deciding on OCV affects the size and shape of the electorate, and consequently may have a significant impact on election results. It is a politically sensitive matter in most cases, which should be decided in a broadly inclusive manner in the country, involving all national political forces, civil society and the administrations concerned. The decision may be a factor of a post-conflict process, when a sizeable part of the population resides abroad as a result.

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16 See: UN Human Rights Committee, *Gillot v. France*, 2000 (referendum on self-determination in New Caledonia); EComHR, *Polacco & Garofalo v. Italy*, 1997 (Regional elections in Trentino – Alto Adige).

17 See *inter alia*, UN Human Rights Committee, *Yevdokimov v. Russia*, Comm. 1410/2005, 9 May 2011; ECHR, *Hirst v. UK,* Application no. 74025/01, 6 October 2005.

18 Compare: Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, N.P. Engels, 2nd Edition, 2005, p.578, and Guy Goodwin-Gill, *Free and Fair Elections*, 2nd Edition, Inter-parliamentary Union, 2006, p.128.

19 See *inter alia*, Democracy Reporting International, *Out-of-Country Voting: Principles and Practices*, Briefing Paper No.23, December 2011; European Commission for Democracy Through Law (Venice Commission), *Report on Out-of-Country Voting*, CDL-AD(2011)022, 24 June 2011.

20 IFES, *Out-of-Country Voting, A Brief Overview*, White Papers Series, April 2012

EU EOMs seldom observe out-of-country voting. Nevertheless, an EU EOM may assess the legal framework and procedures for organising OCV, and the adequacy of the guarantees of integrity in place, but should refrain from expressing an opinion on whether or not there should be OCV.

International standards	Examples of good practice
The Right to Vote[21] - The right to vote at elections and referenda must be established by law. The grounds for deprivation of suffrage should be objective and reasonable. - A minimum age limit is a reasonable restriction. - It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements. - Party membership should neither be a condition of eligibility to vote nor a ground of disqualification. - If conviction for an offence is a basis for suspending the right to vote, the suspension and its duration should be proportionate to the offence and the sentence. - Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote. **Non-Discrimination**[22] - Civil and political rights are to be respected without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	- There are consistent legal provisions governing eligibility with respect to citizenship, age, residence and temporary absence. - The established age of civil majority (usually 18) is also the minimum age for voting. - Suspension of the right to vote for persons convicted of an offence should occur on exceptional grounds only and in proportion to the nature or gravity of the offence.

Issues to be considered by the EU EOM

- Is universal and non-discriminatory suffrage provided for by law?
- Are there any non-legal obstacles to the exercise of the right to vote?
- Are all legal exclusions and/or restrictions on the right to suffrage reasonable?
- Are there consistent legal provisions governing eligibility to vote?

21 UN Human Rights Committee, General Comment No. 25, paragraphs 4, 10, 11, 13

22 ICCPR Articles 2 and 3. See also ICERD Article 5, CEDAW Article 7, and CRPD Article 29

4.4.2. The registration of voters

The registration of voters should enable eligible citizens to exercise their right to vote on election day. Developing and maintaining an accurate voter register and producing reliable voter lists for each polling station can be extremely complex. The accuracy and completeness of the voter register is of critical importance, as non-registration prevents citizens from enjoying their right to vote and therefore inhibits universality of suffrage.

An accurate voter register also serves as a safeguard against irregularities such as multiple voting or voter impersonation, which undermine equality of suffrage. Conversely, a deficient voter register may not only deprive numerous eligible voters of their rights, but may also permit irregularities and manipulations.

Voter registration methods

The procedures for registering voters differ among countries. The voter register may be compiled by the EMB or by other State authorities.

Active registration (also called voter-initiated registration) requires individual registrants to apply for inclusion in the voter register.

Passive registration (also called State-initiated, or automatic registration) requires State authorities to compile the voter register without the need for individuals to apply. This is often done using records of civil status (*e.g.* the civil register) or citizenship (*e.g.* database of national identification cards). In some countries, it is compulsory to be registered to vote.

A voter register may be kept centrally, by using regional sources of information that are then merged to produce a single national register. Citizens are typically required to prove their identity before registration with specified documentation. Often registered voters are provided with voter cards as proof of their registration. There may be legal provisions that allow non-registered eligible voters to be included on special supplementary voter lists on election day, or there may be no voter register at all. In all cases, the procedures in place should ensure that all eligible citizens, and only eligible citizens are able to vote, and that measures are taken to prevent multiple registration.

Procedures for voter registration

Voter registration procedures should be clearly stipulated in law. Where citizens are registered to vote in their place of current residence, definitions of residence (such as a distinction between permanent and temporary residence) need to be clear. The voter register does not need to include personal data other than that which is required to identify a voter and establish eligibility. Any requirement for additional information, such as ethnicity or religion, creates scope for discrimination.

Updating the voter register

A voter register has to be regularly updated to remain accurate. This can take place on an ongoing basis, at fixed regular periods, or only when an election is

called. Whichever method is chosen, it should ensure that all citizens eligible to vote on the date of the election are included in the voter register. Procedures should be in place to ensure the removal of the names of deceased persons and the inclusion of newly eligible voters. In cases of active registration, the responsible bodies should conduct voter education to ensure the fullest participation in the registration process. In cases of passive registration, eligible voters should be provided with the opportunity to inspect the voter register to confirm their inclusion and report any inaccuracies.

Challenges to the voter register

There should be effective administrative or judicial procedures that provide stakeholders with the opportunity to challenge irregularities in the voter register, including the exclusion of eligible electors, to correct errors in the register or to seek the removal of any ineligible persons. All complaints and appeals relating to voter registration should be resolved within a reasonable timeframe and no later than election day.

Public confidence in the voter registration process

It is important that the public has confidence in the accuracy of the voter register. The authorities should ensure that the preliminary and final voter registers are published, and that copies are available for public inspection to allow checks for inaccuracies and omissions. Political parties, in particular, should have an opportunity to access the full voter register. Civil society organisations may also audit the voter register. Where there are strong allegations or evidence of exclusion, inconsistencies and inaccuracies in the voter register, the authorities should take constructive and transparent steps to improve its quality.

Assessing voter registration

Although the registration of voters is often completed before an EU EOM is deployed, EU observers still assess the legal and procedural framework, and evaluate how effectively registration was conducted.

The election analyst and the LTOs in the regions should meet the authorities responsible for voter registration. The EU EOM should speak with political parties, civil society organisations and others to assess whether there are any concerns about how the voter registration process took place and if there is public confidence in the accuracy and inclusivity of the voter register.

Where voter registration is taking place during the period of EOM deployment, EU observers should also observe the implementation of procedures for registering voters.[23] This is particularly important where there is limited public confidence in the quality of the voter register. Where the EU EOM receives allegations of systematic disenfranchisement of voters, it should encourage complainants to lodge their claims through the official mechanisms. While an EU EOM may consider following up such allegations, any supporting evidence may be difficult to verify.

In some cases, EU observers will have access to a computerised version of the voter register or extracts from it. While an EU EOM does not have the time or resources to undertake a full check of the voter register, the voter register can be randomly cross-checked for consistency with the available national and regional population data. The most recent census or other population statistics, assuming they are accurate, can also be used to compare broadly the size of the registered electorate with the number of citizens who are above voting age and are eligible to vote. Additionally, historical datasets (previous census, voter registration or similar) may be used to build up an analysis of voter registration numbers over a longer period.

In using any population data, EU EOMs should bear in mind that data collection methods and criteria might be different from voter registration, and absolute comparison might not be possible. The EU EOM may also observe any computerised cross-checking of voter registration data undertaken by the administration in charge.

EU EOMs take into account that it is difficult for even the best-intentioned government agencies to produce flawless voter lists. An EU EOM assessment of a voter list attempts to determine if errors are isolated instances or part of a systemic pattern. If the latter is the case, the EU EOM explores with interlocutors the likely reasons for this. The ultimate test of a voter register is on election day. Observers may note if large numbers of people are not included on the lists, or are unable to find their polling station, for instance.

If new technologies have been adopted for voter registration, the EU EOM should pay careful attention to how and why the decision was taken and attempt to determine the possible impact, both intended and unintended on the quality of the voter register and on the electoral process as a whole.

4.4.3 New technologies and voter registration

Computerised voter registers

Increasingly new technologies are used to make the creation and upkeep of voter registers a more efficient process. It is common that voter registration data is kept in a central, electronic database that can easily allow for the sharing of information on voters between localities and also allow for the checking of multiple entries and other anomalies in the database. Such elec-

23 The EU has occasionally deployed *ad hoc* expert missions prior to an EU EOM in order to assess a voter registration process. The findings of these missions contribute to the subsequent EU EOM overall assessment and recommendations.

tronic registers can increase transparency as they may more easily be shared with stakeholders, such as political parties and civil society. Centralised electronic registers also allow voters to check their data, either on the Internet or by SMS on a mobile phone. At the same time, increased technology brings new challenges such as training for election officials and the need to ensure the technology chosen is appropriate, cost-effective and sustainable.

Voter lists for polling stations may be printed out from a centralised electronic register prior to election day. In other cases, each polling station may be equipped with a computer terminal that contains the voter list and, or in some cases, which allows access to the full voter register.

In cases where polling stations are equipped with computers, it is critical that proper testing and piloting is done well before election day to ensure that the computers will work as envisaged around the country and not cause delays in the processing of voters. Having electronic voter lists in the polling stations increases the logistical challenges as there must be a constant source of electricity and a stable network connection. In addition, a large number of staff will need training, and technicians must be readily available in case of any difficulties. In any event, copies of paper voter lists need to be available as a contingency in the event of equipment malfunction or failure.

Biometric Voter Registration (BVR)

With biometric voter registers, one or more physical characteristics of the voter, such as photo, fingerprint or retina scan, among others, are recorded at the time of registration. This information may be used for identification of the voter at the polling station.

BVR can serve to prevent multiple registrations and can therefore enhance the quality of the voter register. It also can act as an effective safeguard against voter impersonation and multiple voting and can increase public confidence in the process. The biometric component cannot, however, assist in removing deceased registrants from the register, a key task that can only be achieved by local authorities' regular reporting of deaths to the authority that maintain the voter register. In addition, BVR brings specific challenges, and countries must be careful to select technology that is both appropriate and sustainable. In particular:

- BVR can bring additional accuracy, but it cannot act as a substitute for a functional ID document system or regular maintenance of civil registers.
- As biometric systems are expensive, a decision to purchase and use this technology may mean taking resources away from other parts of the process.
- If implemented in developing countries with limited resources, it can perpetuate donor dependency.

- Adopting a biometric system generally involves a call for tender between several prospective suppliers, for vast amounts of money; the transparency of this process is essential in order to establish and maintain stakeholder confidence in the solutions being implemented; transparency is also a requirement under the 2003 UN Convention against Corruption.
- The sustainability of the system rests on proper maintenance between election cycles, and the cost of this maintenance should be considered in view of the resources available.
- Such systems must also be carefully designed so that their complexity does not reduce transparency for stakeholders, while still maintaining the necessary system security.
- The complexity of some BVR systems may mean that the election authorities are entirely dependent on vendors and external expertise to operate them, raising issues of control and accountability.
- Implementing biometric voter registration may also reduce accessibility, as the voter registration process may need to be staggered or phased due to the high costs of the equipment, thus meaning fewer locations for voter registration and/or a shorter timeframe for voters to register.

The use of electronic equipment (such as card readers and the reading of fingerprints) to verify voters identity on election day can be a source of delay and controversy if technical shortcomings mar the identification process.

International standards	Examples of good practice
Universal Suffrage[24] - States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. - Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. - There should be no fees, taxes or other costs related to citizens being registered to vote.	- There are consistent legal provisions for the method of registration, timetable, documentation to prove eligibility, registration forms and the format of the register. - The voter register is sufficiently updated to ensure newly eligible voters are included and recently deceased persons are removed. - Where there is active registration, there is an effective voter education campaign and the method of registration is simple and accessible. - Voter registration is facilitated for groups less likely to be registered (*e.g.*, first-time voters, women, minorities, etc.). - A preliminary voter register is made available for public inspection so that voters can confirm their inclusion and identify any errors.

International standards	Examples of good practice
Equal Suffrage[25] - Persons must not be registered more than once or in more than one location (the principle of one person, one vote). **Transparency and Prevention of Corruption**[26] Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include: (a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public [...].	- The voter register is computerised and centralised to avoid duplicate entries. - Political parties are able to access copies of the voter register. - The number of registered voters is published in advance of the election and that number is broken down to the polling station level. - There is a right to challenge any inaccuracies or omissions in the voter register. - Where voter registration cards/documents are provided, they are unique, secure and reliable. Non-distributed cards are traceable and accounted for. - Adequate time and logistical arrangements must be in place for any distribution of voter or ID cards. - The voter register excludes unnecessary and potentially discriminatory personal data, such as ethnicity. - Where applicable, there are effective procedures to facilitate voter registration for Internally Displaced Persons (IDPs) and refugees. - Any technology adopted for voter registration is both appropriate and sustainable for the country that implements it.

Issues to be considered by the EU EOM

- Are the voter registration procedures detailed in law?
- Are restrictions on registration (such as on residence) reasonable?
- Does the procedural framework provide the opportunity for all eligible citizens to be registered?
- Are there suitable measures to include newly-eligible voters, prevent multiple entries, and remove the names of ineligible or deceased persons?
- Do the extracts of the voter lists correctly link voters to their polling stations?
- Is there verifiable evidence that eligible voters are not registered, or that ineligible voters are registered? If so, are these isolated instances or do they constitute a pattern?
- Is the preliminary voter register available for public inspection?

24 UN Human Rights Committee, General Comment No. 25, paragraphs 4, 10, 11, 13

25 UN Human Rights Committee, General Comment No. 25, para. 21

26 UNCAC, Art. 10(a) and Art. 13

Issues to be considered by the EU EOM

- Are effective opportunities and remedies available for identified inaccuracies and omissions to be corrected?
- Is data on the number of registered voters published? Is data broken down regionally, and if so, to what level?
- Are relevant extracts of voter lists posted at polling stations or another accessible location ahead of election day?
- Is there public confidence in the accuracy and reliability of the voter register ahead of election day?
- Are problems with the voter register observed on election day?
- Are women and men registered in numbers proportional to the population? If not, why not?
- Are minorities registered in numbers proportional to the population? If not, why not?
- Where applicable, are effective measures in place to ensure registration of IDPs?
- Where applicable, are effective out-of-country procedures in place to ensure registration of expatriate citizens, including refugees?

If new technologies:

- Is there adequate training of election officials and has sufficient voter education on the new technologies been undertaken?
- Has there been adequate testing of the new system prior to election day?
- How transparent was the procurement process?
- Any controversy regarding the operator/vendor?
- Is the EMB in a position to exercise proper control over the functioning of the ICT / BVR system, and is there sufficient accountability?
- What arrangements are in place to ensure the maintenance of the ICT / BVR system between elections?

In the case of Active Registration (*i.e.*, where voters initiate registration):

- Are there suitable opportunities for the registration of all voters?
- Is there adequate voter education on the procedures for registering as a voter?
- Are the procedures simple, and are registration offices accessible, including for those with limited mobility?

In the case of Passive Registration (*i.e.*, where state authorities initiate registration):

- Is the primary data source (*e.g.* population register) accurate and reliable?
- Are there measures for eligible voters to be registered to vote if they are not in the data source?
- Are there measures for refugees (in case of out-of-country) and IDPs who may be missing identity documents?
- Are there effective procedures to ensure that people who change their name after marriage have their data updated?
- Are there effective measures to ensure that changes of residence are accurately reflected in the register?
- Are there specific measures addressing the situation of persons who change their gender identity?

4.5 Candidate and political party registration

4.5.1 Freedom of Association

Freedom of association is a prerequisite for the full enjoyment of the right to take part in government, including by forming or joining political parties.[27] Democratic elections can only take place within a pluralistic environment, which has a range of political views and interests.

Most countries have a specific legal framework for the registration and regulation of political parties or other political movements that establishes procedural requirements. The registration and regulation of political parties may be administered by an executive body (such as the Ministry of Justice), the judiciary or the EMB. Restrictions on the right to form or join a political party should be based in law, objective and reasonable. The law should also provide the right to challenge a decision on political party registration.

International standards	Examples of good practice
Freedom of Association [28] - The full enjoyment of electoral rights requires freedom to engage in political activity individually or through political parties and other groups or organizations. - The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is essential for the enjoyment of electoral rights. Political parties and membership in parties play a significant role in the conduct of public affairs and the election process. - No restrictions may be placed on the exercise of the right to freedom of association other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.	- Procedures for the registration and regulation of political parties follow clearly established and transparent criteria. - There is no government or executive official interference in the operation of political parties. - Political parties are based on formal statutes that provide for internal democracy and transparent operation. - Political parties are required to have unique names, logos, etc. - Decisions to refuse or withdraw the registration of a political party occur only under the most serious circumstances and can be challenged. - There is cooperation and consultation between the EMB and registered political parties.

27 For a comprehensive overview on this issue, see: OSCE/ODIHR – European Commission for Democracy Through Law (Venice Commission), *Guidelines on Political Party Regulation*, 2011.

28 UN Human Rights Committee, General Comment No. 25, para. 25 and ICCPR Article 22

Issues to be considered by the EU EOM

- Is the right to form or join a political party guaranteed in law?
- Are restrictions or requirements for the registration and regulation of political parties reasonable?
- Are all political groups equally able to form political parties, and are all citizens equally able to join the political party of their choice?
- Is any political movement refused registration as a political party? Does the refusal of registration prevent the party or its candidates from taking part in the election? Is the refusal reasonable? If a party is denied registration on technical grounds (*e.g.*, an error in its paperwork), is it given the opportunity to correct the error before the denial becomes final?
- Is there any unreasonable official interference in the operation of political parties?
- Do political parties practice internal democracy and act in a transparent manner?
- Do requirements for the geographical distribution of members or branches inhibit political representation, in particular of regionally concentrated national minority groups?

4.5.2 The Right to Stand for Election

A genuine election requires an open and inclusive registration process for political parties and candidates from across the political spectrum, contributing to the presentation of a real choice to the electorate. Party list and candidate registration is one of the most important indicators of an election's integrity and should be carefully considered by an EU EOM. If certain candidates or political parties are excluded for political reasons, the election may be significantly flawed, even before the campaign begins. Most international human rights instruments monitoring bodies consider that individuals should be able to stand as candidates as well without having to belong to a political party.[29]

Responsibility for the registration of candidates usually lies with the EMB, either centrally or at a local level. Procedures should be clearly established and applied consistently in a manner that does not have the intention or effect of restricting the choice of political options for voters. Although some types of restrictions or qualifications on candidacies may be permissible, these should be reasonable and should not involve potentially discriminatory measures.

Most election laws foresee some form of registration requirements aimed at discouraging frivolous candidacies. Such requirements should not include an excessive number of supporting signatures or unreasonably large financial deposits.[30]

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29 See: UN Human Rights Committee GC 25 para. 17 provides that "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties" and the African Court of Human and Peoples' Rights in the case *Tanganyika Law Society et al. v. The United Republic of Tanzania* (14 June 2013) ruled that "the requirement for any candidate [...] to be affiliated with a political party was violating the applicant's political rights," the Inter-American Court of Human Rights in *Castañeda Gutman v. Mexico* (6 August 2008) ruled that "restricting candidate registration to only those applying through political parties is found lawful under Article 23(1)(b) of the American Convention", but in that case the law did not require party membership, only party nomination.

30 See for example, Venice Commission, *Code of Good Practice*, CDL 2002 (23), p.6 and 16.

The disqualification of a candidate should be made only on the most serious grounds. Candidates should have an opportunity to rectify technical errors in their nominations and to challenge their disqualification. All complaints relating to candidate registration should be resolved within a reasonable timeframe before election day so that successful candidates have sufficient opportunity to campaign. Following their registration, candidates should not be subject to interference, including any pressure, coercion or intimidation, or attempts to force their withdrawal.

Assessing party list and candidate registration

Party registration usually takes place between elections when an EU EOM is not present, and candidate registration may also take place before an EU EOM is deployed. EU observers still assess the legal and procedural framework, and evaluate how effectively candidate registration has been conducted, including following-up on any complaints submitted in this regard. In countries with majority-plurality systems or local elections, LTOs may play a key role in tracking the registration of candidates in electoral districts and any complaints related to this process. When needed, the political analyst may create a spreadsheet to consolidate the information and track whether candidates have been registered, have withdrawn and have made complaints.

International standards	Examples of good practice
Right to Stand[31] - Any restrictions on the right to stand for election, such as minimum age, must be justifiable and based on objective and reasonable criteria. - Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. - The right to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. - It may be reasonable to restrict certain elective offices as incompatible with tenure of specific positions (*e.g.* specifically described high ranking positions in military or public service or any member of the judiciary).	- The procedural framework and timetable for candidate registration is provided for in law and is set in advance of the opening of nominations. - Requirements, such as a minimum period of residence, are determined using transparent and objective measures that do not seek to restrict opportunities to stand. - Reasons are provided for a decision to refuse the nomination of a candidate. - Challenges to a decision to refuse a candidacy are heard within an expedited timeframe ahead of election day to ensure that, if successful in the challenge, the candidate may still campaign and run for election. - There is a sufficient time and opportunity between the opening and closing of the nomination period for nominations to be submitted.

31 ICCPR Arts 2 and 3; CRPD Art. 29; ICERD Article 5; CEDAW Articles 4 and 7; and UN Human Rights Committee General Comment No. 25 para. 20

International standards	Examples of good practice
- No person should suffer discrimination or disadvantage of any kind because of that person's candidacy. - Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. - If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy. - Everyone has the right, without distinction as to race, colour or national or ethnic origin, to equality before the law and in particular the right to stand for election.	- Fees/deposits should be of an amount that prevents frivolous candidates but not be overly-restrictive. Fees/deposits should be refunded if a candidate gains a set proportion of the valid votes cast. - Procedures for the verification of supporting signatures should be reasonable and provide for opportunities to rectify technical errors. - Lists of all registered candidates and political parties should be published at the conclusion of the registration process and available in polling stations on election day. - Efforts are undertaken to encourage candidacies from under-represented groups. - Special support is offered to candidates facing *de facto* discrimination, *e.g.*, extra funding or skills training.

Issues to be considered by the EU EOM

- Does the legal and procedural framework for candidate registration provide for the right to stand for election on equal grounds?
- Are all candidates, political parties and political groups able to exercise their right to stand?
- Are restrictions or qualifications on the right to stand reasonable? Are restrictions applied equally and objectively?
- Are candidates able to challenge a refusal to register their nomination? If there are any technical errors or deficiencies in a candidate's nomination, is the candidate given the opportunity to correct these before a final decision is taken?
- Are fees/deposits set at a reasonable level and are they consistently collected?
- Is there a consistent and reasonable process for checking nominations (*e.g.*, confirming signatures)?
- Are registered candidates free from interference or pressure to withdraw?
- Do any aspects of candidate registration directly or indirectly affect the ability of women candidates or candidates from minority groups to stand?
- Were any candidates or parties refused the possibility to stand? If so, were the grounds for this reasonable?
- Were any candidates disqualified after they were registered? If so, were the grounds for this reasonable and justifiable?

4.6 Election campaign

4.6.1 Campaign activities

Freedoms of expression, assembly, association and movement without discrimination are prerequisites for a democratic election process. For an open and fairly contested campaign, it is crucial that there is opportunity for all candidates, political parties, and their supporters to promote policies, hold meetings and travel around the country. The electorate should be informed on their range of choice of parties and candidates. Thus, there should be equal opportunities for conduct of public rallies, production and use of electoral materials, and other campaign activities, so that candidates, political parties and their supporters are able to present freely their views and qualifications for office. Violence or the threat of violence, intimidation or harassment, or incitement of such acts through hate speech and aggressive political rhetoric are incompatible with democratic elections.

Campaign rules

The rules governing the campaign comprise the election legislation and regulations adopted by public authorities, including the EMB. Guarantees of the right to open and fair campaigning should be secured in primary legislation. In particular, it should specify equal access to State resources and prevent arbitrary administrative action. Special rules often regulate media coverage and the financing of campaign activities. In addition, reasonable restrictions may be placed on certain activities during the campaign period, such as a prohibition on campaigning immediately before election day (the so-called 'campaign silence' period) or a prohibition on the publication of opinion polls for a defined period prior to election day. However, campaign rules should not otherwise restrict the freedoms of association, assembly, expression and movement.

Campaign regulations adopted by administrative bodies such as the EMB should provide equal opportunities for all candidates and political parties, and relevant authorities should implement and enforce them in a consistent and impartial manner to ensure a level playing field. Any restrictions on campaigning, such as a requirement for advance permission for holding a public rally, need to be applied equally to all contestants and should not be implemented in a way that limits legitimate opportunities to campaign. Where a 'campaign silence' is imposed in the period immediately before election day, it should be effectively and consistently enforced. All contestants have a duty to campaign fairly and make efforts to prevent violations of the election rules. Self-regulation by candidates and political parties can provide a useful contribution to a fair campaign, for example, by means of a code of conduct.

Role of security forces

Law enforcement agencies should behave in a neutral manner and should not inhibit political actors from campaign activities. They are obliged to protect citizens from election-related violence, intimidation and coercion, including attempts to bribe voters. In particular, candidates and their supporters should be protected against harassment and threats of job dismissals, especially for public employees. The arrest and/or detention of candidates and supporters from one political group, the disruption of rallies and meetings, or excessive police presence at a rally may indicate politically motivated activity. Attention may need to be focused on groups susceptible to pressure or coercion by persons in authority, such as students, members of the armed forces, prisoners, disabled persons, and, where applicable, members of clans or tribal groups.

Vote-buying

Vote-buying refers to the provision of money or other benefits to voters to support a particular party or candidate, or to officials as an incentive to manipulate election results. The mere distribution of goods can be referred to as 'vote buying', irrespective of whether or not there is coercion or breach of secrecy.

Such practices, or even allegations of them, are very serious and can undermine the credibility of the entire election process. At the same time, vote-buying is notoriously difficult for observers to monitor, as it generally does not take place in plain view. Observers should track and follow up on any allegations of vote-buying, for instance by checking whether authorities have investigated such reports or complaints.

Attending campaign events

EU observers attend campaign events, such as rallies and public meetings or debates, as part of their observation of the campaign period. EU observers should ensure political balance, attending events representing a broad range of parties, including both government parties and opposition. Attendance at such events allows an assessment of whether:

- contestants and their supporters are able to enjoy opportunities for the exercise of the freedoms of expression, assembly and movement;
- campaign regulations, such as requirements for permission to hold rallies, are being consistently implemented;
- the general atmosphere is peaceful;
- speakers use appropriate non-inflammatory language;
- security forces are present and behave appropriately.

When attending campaign events, EU observers should not act in a manner that could be interpreted as a display of partisanship. Attendance at campaign events

is dependent on a security risk assessment by the observer team in consultation with the EU EOM security expert. Where the personal safety of the observers or their national staff becomes in danger, they should leave immediately.

Election-related violence

The EU EOM records information of any reports of election-related violence and intimidation (see below, Section 4.7).

Assessing the campaign

The EU EOM assesses the campaign to determine the extent to which it facilitates pluralistic and fair competition and contestants and citizens can effectively exercise their fundamental freedoms.

The political analyst reviews the political dynamics of the campaign, including the type of activities taking place, the platforms presented and the issues being discussed and debated.

The legal analyst reviews provisions of the election legislation for compliance with international standards on freedoms of assembly, expression, association and movement.

LTOs play a crucial role by observing campaign rallies and events and reporting on them.

International standards	Examples of good practice
Freedoms of Expression, Assembly and Movement[32] - The full enjoyment of rights protected by article 25 of the ICCPR requires freedom to debate public affairs, hold peaceful demonstrations and meetings, criticize and oppose, publish political material, campaign for election and advertise political ideas. - The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of the right to peaceful assembly other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. **Free Expression of Will**[33] - Persons entitled to vote must be free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.	- The campaign is regulated in law and by administrative regulations that ensure equal opportunity for all candidates and political parties to campaign freely without unreasonable restriction. - The duration of the campaign period is long enough to enable the contestants to organise effectively and to present their policies to the electorate. - All State institutions – particularly the law enforcement agencies – are required to act in a non-partisan manner.

32 ICCPR Article 21 and UN Human Rights Committee, General Comment No. 25, para. 25

33 UN Human Rights Committee, General Comment No. 25, paragraphs 19 and 25

Issues to be considered by the EU EOM

- Are the freedoms of expression, assembly, association and movement provided for by law without discrimination? Are any restrictions on these rights 'necessary in a democratic society'?
- Are all candidates and political parties able to enjoy the exercise of these rights equally?
- Are campaign regulations implemented and enforced in a consistent, impartial and effective manner?
- Are there verifiable instances of violence, intimidation or harassment, or the incitement of such acts? Are such incidents promptly, consistently and effectively addressed?
- Are law-enforcement agencies acting in an impartial, restrained and professional manner?
- Have contestants agreed to abide by a code of conduct and, if so, is the code adhered to?
- Are there direct or indirect restrictions on the ability of women candidates to campaign?
- Where relevant, are there direct or indirect restrictions on the ability of national minority candidates to campaign?
- How widely do the political contestants use Internet and Social Networking Sites (SNS) for campaigning purposes? What is the impact on the campaign environment?

4.6.2 Campaign finance

Campaign finance refers to both the funding provided to political parties or candidates for the purpose of the election campaign (either through private donations or public funding) and the spending by the parties or candidates on campaign expenses. It is widely recognised that the influence of campaign finance on elections and their outcomes has increased in recent years, and that there is also the need to regulate campaign financing to ensure a level playing field. Transparency in income and expenditures of parties and candidates is viewed as a necessary prerequisite for regulation, as it allows effective oversight and enforcement by relevant authorities.

Political finance refers to the general funding of political parties irrespective of the election process. While observers necessarily focus on campaign finance as it is specific to the election period, they should also consider the broader political finance context, as it directly affects the ability of parties and candidates to compete. It is also common for political parties and candidates to concentrate spending during the generally unregulated period before the election campaign.

Regulatory framework

Regulations governing financing of electoral campaigns and the funding of political parties should require transparency. While there are few agreed international standards in this area, a number of principles can nevertheless provide guidance to an EU EOM assessment:

- **Disclosure**: It is common practice to oblige candidates and political parties to disclose funding sources and provide detailed reports and accounts of their campaign expenditure.

- **State funding**: Where State funds are provided for campaign purposes, these should be disbursed on a fair, equitable and timely basis.
- **Fundraising ceilings**: Restrictions on fundraising and campaign expenditure should apply equally to all candidates and political parties.
- **Expense ceilings**: Limits on campaign spending may be necessary to prevent a disproportionate or one-sided campaign, but should not be so strict as to prevent effective campaigning or discourage compliance with regulations.
- **Supervisory body**: The regulatory framework should specify which institution is responsible for implementation and enforcement of campaign finance regulations, as well as the sanctions.
- **Foreign sources**: Reasonable restrictions on campaign funding can include limits on funding from foreign or anonymous sources.

Use of State resources

The fairness of a campaign will be undermined where State resources (also referred to as 'administrative resources') are used to favour the campaign of one candidate or political party[34]. State resources – such as the use of public buildings for campaign events – should be available on an equitable basis to all contestants. Incumbents should not seek to use the benefits of their elected office as part of an election campaign. Public officials and civil servants should participate in campaign activities only in their personal capacity outside of working hours, and should not wear a uniform of their place of employment or use official vehicles for this purpose.

Assessing campaign finance

The EU EOM should assess the regulatory framework governing campaign finance, the overall compliance by political parties and candidates with the requirements, and the enforcement of existing regulations by relevant authorities.

Although in certain cases an EU EOM may include a designated campaign finance expert, in most cases the responsibility is shared between the legal and political analysts. LTOs play an important role in monitoring these issues at a local level, including any misuse of state resources for campaign purposes and allegations of vote-buying.

While the detailed monitoring and checking of donations and expenses of political parties or candidates is outside the capacity of a typical EU EOM, core team analysts and LTOs can note campaign spending patterns and detect any flagrant transgressions of the spending limits – for instance, if one party's billboards outnumber all of the others by 10 to 1 or its political advertising dominates the airwaves. Civil society organisations may also carry out campaign finance monitoring that can serve as an indication of any violations.

34 See: European Commission for Democracy through law (Venice Commission), *Report on the Misuse of Administrative Resources during Electoral Processes*, CDL-AD(2013)033.

International standards	Examples of good practice
Free Expression of the Will of the Electors[35] - Reasonable limitations on campaign expenditure may be justified to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate campaigning on behalf of any candidate or party. **Transparency**[36] - Administrative and legal measures should be taken to improve transparency in campaign and political party financing.	- Campaign finance regulation promotes transparency and requires disclosure of the sources of funding and items of expenditure. Anonymous donations are prohibited. - Restrictions on campaign spending are reasonable and allow for adequate campaigning. - If use of State resources is permitted, access must be provided to contestants on an equitable basis. - Where available, public funds for campaigns are provided on an equitable basis using fair criteria and distributed in a timely manner. - An independent body has clearly delineated responsibility for the implementation and enforcement of campaign finance regulations.

Issues to be considered by the EU EOM

- Does the legal framework provide an adequate basis for the effective regulation of campaign finance, requiring transparent disclosure of both income and expenditure?
- Does the law specify an official period of the campaign during which limits on donations and spending are in force? Do parties/candidates concentrate spending prior to the official campaign period?
- Are the responsibilities of the body in charge of enforcement of campaign finance regulations clearly stated in the law and does this body have effective means of control and enforcement?
- Is public financing available for the ongoing activities of political parties? Is special funding available for the campaign? What is the criteria for parties/candidates to receive public funding – is spending reimbursed to those candidates/parties who meet a threshold of support in the election? Is public funding provided on an equitable basis?
- What are the reporting requirements for political parties and candidates and are they respected? What are the sanctions for non-compliance? Are the reports open to public review?
- Are there campaign spending limits and are they set at a reasonable level that allows contestants to conduct a lively, informative campaign while still complying with the regulatory framework?
- Are regulations on campaign financing, including limits on spending, implemented and enforced in a consistent, impartial and effective manner?
- Is the use of state resources permitted? Are state resources used to the advantage of one or more political contestants? Is there a clear regulation preventing public servants from participating in a campaign in their official capacity?
- Are civil society organisations monitoring campaign or political finance?

35 UN Human Rights Committee, General Comment No. 25, para. 19

36 United Nations Convention Against Corruption Article 7(3)

USEFUL READINGS, AMONG OTHERS:

OSCE/ODIHR, *Handbook for the observation of campaign finance*, 2015;

European Commission for Democracy through Law (Venice Commission), *Report on the Misuse of Administrative Resources during Electoral Processes,* CDL-AD(2013)033;

National Democratic Institute for International Affairs, *Money in Politics*, 2005;

IFES, *Political Finance Regulation: The Global Experience*, 2009;

International IDEA, *Funding of Political Parties and Election Campaigns*, 2014.

4.7 Electoral violence

Elections are intended as a mechanism to peacefully resolve political competition between contestants competing for power. Yet, in some particular contexts, aspects of an election process may act as triggers for deeply rooted and long-standing tensions; this is particularly true when elections are manipulated or poorly organised.

As EU EOMs and other EU election missions are in some cases deployed to countries affected by conflict and/or fragility, where a risk of electoral violence exists, EU EOM members should be in a position to consider how each step of an election process may have an impact on existing conflict dynamics, and in turn how any conflict dynamics may impact on the conduct of the election process.

Considering the risk and potential impact of electoral violence is a task for all mission members. For the core team, electoral violence may be sparked by a flaw in any aspect of the election process, and therefore must be a shared area of assessment. As the 'eyes and ears' of a mission, LTOs also play an important role in detecting early warning signs of rising political tensions and promptly reporting any incidents to the core team.

Understanding electoral violence

To adopt a conflict-aware approach to observation, EU EOM members need to have a basic understanding of electoral violence, in particular, of the following key concepts:

What is electoral violence?

Electoral violence is, most fundamentally, a form of political violence. It has been defined as:

> [...] Acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process or that arise in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections—such as efforts to delay, disrupt, or derail a poll—and to

influence the outcomes: the determining of winners in competitive races for political office or to secure approval or disapproval of referendum questions.[37]

Electoral violence can be spontaneous, or it may be instrumentalised by political actors seeking power. It can occur during the pre-election period, on election day or in the post-election period, for instance in reaction to the announcement of results. It can be widespread, or it may occur in isolated hot spots. While widespread electoral violence is most serious, sporadic violence also has an adverse effect on the election process.

Electoral violence may disproportionately affect vulnerable groups, such as women, disabled persons, minorities, the elderly, internally displaced persons (IDPs) and refugees. In some instances, an atmosphere of insecurity or intimidation may be enough to disenfranchise certain groups.[38]

Possible root causes of electoral violence

In order to understand electoral violence, it is important consider potential root causes, which may include:

- Deep societal divisions;
- A history of political violence;
- The high-stakes nature of the elections observed;
- Human rights concerns;
- Weak state structures;
- Poverty, economic inequality and corruption.

Human rights and conflict prevention organisations present in the country may be useful sources of information on possible root causes of conflict and the potential risk of violence during elections.

Potential triggers of electoral violence

A flaw in any stage of the election process has the potential to lead to electoral violence. Aspects of the process that may be particularly vulnerable to electoral violence include:

- Non-inclusive candidate registration;
- Unfair campaign conditions and aggressive rhetoric;
- Non-transparent, poorly run results process;
- Absence of effective legal remedies;
- Biased election dispute resolution process;
- Unrest, manipulation or organisational issues on election day;
- Discriminatory or dysfunctional legal framework;

37 UNDP, *Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming*, New York, 2010, p. 4

38 For a broad overview see, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions - Election-Related Violence and Killings*, A/HRC/14/24/add.7, of 21 May 2010

- Unfair or manipulated boundary delimitation;
- Non-inclusive or discriminatory voter registration.

Mission members in conflict-affected countries should consider the overall context in which they are observing and whether the aspects of the election process they are assessing may spark conflict or be affected by ongoing conflict dynamics.

Reporting on electoral violence

The EU EOM records information of any reports of election-related violence and intimidation. In meetings with interlocutors where such reports are made, the EU EOM needs to ensure that the information it receives is accurate and credible. Reports on intimidation against candidates, supporters or voters are often very difficult to substantiate, and EU observers should, if possible and appropriate, try to double check the information from other sources and give their opinion on the credibility of the claims.

4.8 Media

4.8.1 Media and elections

For there to be a genuine democratic electoral process, it is essential that candidates and political parties have the right to communicate their messages so that voters receive a diverse range of information and are enabled to make an informed choice. The media play a central and influential role in providing candidates and parties with a stage to engage voters during an election period.

In this respect, the media will often be the main platform for debates among contestants, the central source of news and analysis on the manifestos of the contestants, and a vehicle for a whole range of information about the election process itself, including preparations, voting and the results, as well as voter education. The media therefore have a great deal of responsibility placed on them during election periods, and it is essential that they provide a sufficient level of coverage of the elections that is fair, balanced and professional, so that the public is informed of the whole spectrum of political opinions as well as of the key issues related to the electoral process.

Media regulation during the electoral process may take different forms, ranging from a pure self-regulatory model to co-regulation or statutory regulation. Whatever the approach adopted for media coverage rules, it is important that the normative framework does not unduly restrain freedom of the media, and that it allows for a prompt resolution of complaints.

Media regulation during an election campaign

Laws and regulations for media coverage of election campaigns should not limit freedom of expression unduly, but act in a supportive capacity. There are legitimate reasons for certain limits to be imposed on the media in the public

interest. Regulatory tools, such as a 'campaign silence' period to allow voters a period of reflection before election day and limits placed on the publication of opinion polls immediately prior to elections, as well as rules prohibiting the publication of material likely to incite racial or religious hatred, all reflect an overriding public interest to protect the rights of the public and society.

There may also be positive statutory or regulatory measures encouraging the media to act in a specific way to ensure the public interest is best served. Any legal measures applied to the media sector should not, however, be overly restrictive or unnecessarily impede the activities of the media, and they should be proportional and 'necessary in a democratic society'.

Any legislation or regulations on the media should reinforce the principle of equal or equitable access for candidates and political parties. For example, when there is a system of paid political advertising, all candidates should receive the same treatment and have access to advertising space under the same conditions as every other candidate. During an election campaign, media should not provide disproportionate coverage of the official duties of incumbents, and should separate reports of official duties from any campaign activities.

The state-owned and publicly funded media have a special responsibility to be balanced and impartial during an election campaign period. Because of their unique role in society, state-funded media should provide equitable access to candidates and parties as part of their responsibilities to the public. Although privately owned broadcasters tend to have fewer obligations placed on them, journalistic professionalism suggests that they should remain fair and balanced in their news coverage. In the case of print media, there is a common pattern for newspapers to support a political party in their editorial lines; however, there should be a clear separation between news stories and editorials that distinguishes between fact and opinion.

Media supervisory bodies

A media supervisory authority may be responsible for overseeing the implementation of the regulations for media coverage during an election period. There are different models for such a supervisory body:

- a self-regulatory model;
- a regulatory authority that is responsible for overseeing the activities of the media on a permanent basis;
- a branch of the EMB.

Whatever the model chosen, the supervisory body should act in an impartial, independent, transparent, consistent and prompt manner to ensure compliance of the media with relevant regulations. It should also investigate complaints and alleged violations and impose effective remedies when violations have occurred.

- There should be an efficient complaints procedure that provides corrective measures of both a self-regulatory and statutory nature.
- Any sanctions imposed by the supervisory body should be proportional to the violation committed by the media outlet, and should include corrections and retractions of inaccurate stories as a first tier of regulation.
- Decisions of the media supervisory body should be subject to appeal.
- Although a range of other measures may be at the disposal of the supervisory body, these should not include penal sentences or any other measures that could have a chilling effect on the media, lead to self-censorship among journalists, or act to stifle media freedom.

Media environment

In its assessment of the media environment, an EU EOM considers the broader obligations of State authorities, including the responsibility not to limit unjustifiably the activities of the media, or impede journalists in their reporting, as well as their responsibility to promote pluralism and freedom of the media. State authorities have a duty to protect journalists from attacks or intimidation and to enable them to work safely, without fear of reprisals for their reporting. Any form of violence against journalists (including harassment and intimidation), as well as any illegal actions interfering with media freedom, should be investigated and prosecuted.[39]

4.8.2 Media monitoring

The EU EOM assesses the role of the electronic and print media during the election campaign using a quantitative and qualitative methodology. This assessment considers:

- whether political parties and candidates are given fair and equitable access to the media;
- whether political parties and candidates are covered in a balanced and unbiased manner;
- whether the media and the authorities adhere to the rules on coverage of an election campaign;
- whether the media give sufficient coverage of electoral issues to provide for the electorate making an informed choice on election day. If not, the reasons for this are considered;
- whether public (state-owned) media fulfil their specific obligations.

39 The *Joint Statement on the Media and Elections*, signed by the UN Special Rapporteur on Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression, and the ACHPR Special Rapporteur on Freedom of Expression, in December 2009 stresses that "States should put in place effective systems for preventing threats and attacks against the media and others exercising their right to freedom of expression, and for investigating such attacks (...) This obligation takes on particular significance during election periods."

The media monitoring methodology used by an EU EOM produces an analysis of the distribution of media time and space given to each political contestant, and the tone of coverage. The results are analysed in the context of the specific media environment, including the regulatory framework and the overall coverage of the election.

The media analyst should be familiar with the media landscape of the country before deciding which media outlets are monitored. Those selected should include state/public and privately-owned media outlets, and ensure a varied balance taking into account, for example, political leanings and target audiences. Media aimed at minorities should be considered for monitoring, and the geographical balance of the regional media should also be taken into account.

For broadcast media, the media analyst normally monitors all programmes during primetime broadcasts and other election-related programming for the entire period of the defined campaign period. Television and radio programmes are recorded by the EU EOM and stored until the end of the mission.

Quantitative analysis

The methodology involves the measurement of the coverage given to individual political actors: candidates and political parties, heads of state, heads of government, ministers, members of parliament as well as local authorities and representatives of political parties. The data collected for the quantitative analysis include: date of coverage, media outlet, time coverage starts, duration, programme type, gender of individual political actor being covered and issue covered. Coverage is measured in seconds of airtime or square centimetres of

print-space devoted to each individual and political party. Access time/space – *i.e.*, when political actors have direct access to media – is also measured.

The quantitative analysis also assesses the tone of the coverage, *i.e.*, whether it is neutral, positive or negative. This is measured by taking into account a number of elements, including whether journalists express explicit opinions on a political actor and the context in which the political actor is covered.

Qualitative analysis

The methodology also involves qualitative analysis of the election coverage provided by the media. The EU EOM considers a number of areas of observation, including:

- use or reporting of instances of hate speech and inflammatory language;
- professional standards of journalism, including the level of accuracy in news reporting, and the prevalence of biased, defamatory or partisan reporting;
- whether media outlets omit reporting on certain important news items;
- whether any media outlets display support to specific parties/candidates;
- whether incumbents exploit their institutional position to gain unfair advantage during the campaign;
- whether media outlets respect the 'campaign silence' and any legal provisions on the reporting of opinion and exit polls;
- whether coverage of the EMB in the media contributes to increased public confidence in its work;
- level of coverage and quality of voter education in the media;
- formats used by the media in covering election issues (candidate debates, interviews, etc.);
- whether women receive coverage in proportion to their presence in the electoral contest and in the political sphere, and whether gender stereotypes are portrayed (*e.g.*, women candidates in their role as wife/mother/homemaker);
- where relevant, the coverage the media give to issues relating to minorities, whether stereotypes are portrayed and whether they broadcast/publish in minority languages;
- the role of new media, such as online media outlets, in covering the election (see below 4.9 *Online election-related content*).

In some EU EOMs, where the election process entails significant regional media activity, LTO teams may also be asked by the media analyst to assist with the monitoring of regional/local media coverage of the election campaign, for example by recording local programmes or collecting local newspapers.

International standards	Examples of good practice
Freedom of Expression - Everyone has the right to freedom of expression. This includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [their] choice.[40] - In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without prior censorship or restraint that informs public opinion.[41] - The exercise of the right to freedom of expression carries with it responsibilities. It may therefore be subject to certain restrictions but these shall only be such as are provided by law and are necessary (a) for respect of the rights or reputations of others (b) for the protection of national security or of public order or of public health or morals.[42]	- All broadcast media provide balanced and fair coverage of the election, as well as non-discriminatory and equitable levels of access for contestants. - Regulatory bodies ensure the media's coverage of elections meets legal requirements. - State-owned or publicly funded media provide free airtime or print space to the candidates or parties in a non-discriminatory and equitable manner. - The conditions for contestants to purchase paid-for political advertising are non-discriminatory with standardised rates. - The media air debates among candidates following clear and mutually agreed rules. - The media cooperate with the EMB in voter education. - The media portray women, as well as men, as serious candidates and political leaders. - The State promotes universal access to the Internet and does not unduly block, filter, censor or restrict political content.

Issues to be considered by the EU EOM

In relation to the media environment

- Is there a pluralistic and independent media environment, which provides access to a broad range of political opinion?
- Does the legal framework guarantee the freedom of the media? If so, is this freedom respected in practice?
- Are the media able to work freely and operate without prior censorship (including self-censorship), intimidation, obstruction or interference? Do the media operate professionally?
- Has there been any violence against journalists? If so, does it appear election-related?
- Have any media outlets been closed as a result of government action? If so, what were the circumstances and do they appear politically motivated?
- Have any media outlets been harassed by government agencies (***e.g.***, excessive tax audits)?
- Is libel a criminal offence? If so, have any journalists faced criminal sanctions for their reporting? Were any such cases election-related?
- Have broadcast licenses been issued impartially, without regard to political affiliation?
- Where does the population get the majority of its election news?

40 ICCPR Article 19(2)

41 UN Human Rights Committee, General Comment 25

42 UN Human Rights Committee, General Comment 34

Issues to be considered by the EU EOM

In relation to the legal framework for election coverage

- Is there a clear and consistent regulatory framework for the media's coverage of elections?
- Does the regulatory framework provide for the media to work freely and without prior censorship during an election campaign?
- Does the regulatory framework provide the right to equitable and non-discriminatory access for all candidates and political parties standing for election?
- Is there a media supervisory body? If so, does it act independently and function in an impartial, transparent and professional manner? Is it free to work without undue interference? Does it have the confidence of electoral stakeholders, in particular the media industry? Is it independently monitoring the media's coverage of the election? Is it effective in dealing with media-related complaints?

In relation to media coverage of elections

- Do the media provide sufficient information to enable voters to make an informed choice on the election through news reports, analysis and debates? Is this information provided in a fair, balanced and impartial manner?
- Do the media deliver objective information on the election administration and provide any voter education initiatives?
- If there is a provision for paid political advertising, are the costs and conditions reasonable, and offered on an equal basis? Are paid-for political advertisements clearly labelled as such?
- Is there discrimination in reporting based on racial, ethnic, gender or religious background? Are stereotypes of any group reinforced?
- Is there any coverage that may be regarded as hate speech? Are there instances of defamation of candidates or distortion of campaign messages?
- Where there are prohibitions on the publication of opinion polls or a pre-election 'media silence period', are these rules complied with?

In relation to State-owned or publicly funded media

- Do all candidates and political parties receive fair, balanced and impartial coverage on the state/public media? Is there any bias shown and, if so, in favour of whom?
- Do all candidates and political parties have equitable access to airtime or print space in the state/public media? Is such access provided free of charge?
- Do the state/public media comply with their responsibility to inform the public on relevant issues on the electoral process?
- Do the public media operate independently of the government?

In relation to private media

- Do the private media provide the public with sufficient coverage of the election campaign and election related issues? Is the coverage fair and balanced? If private media outlets demonstrate bias in their coverage, whom do they favour?
- Are private media outlets owned by candidates or political parties? If so, does this affect the overall balance of media coverage of the election?
- Is ownership of private media outlets concentrated in a manner that could lead to biased or unbalanced coverage of the election?

4.9 Online election-related content

The development of Internet-based means of communication has expanded the possibility to receive and impart information and the potential for greater participation of citizens in the public sphere, including during elections.

The Internet allows more direct engagement of citizens than traditional media. Political parties, candidates, election authorities and civil society groups can all directly engage with voters to provide election-related information through the Internet. Social networking sites (SNS) are also influential, as voters have access to an almost endless number of potential opinion-makers. Beyond information, SNS have been increasingly used to initiate and organise political action.

While some online news sources are the web version of a traditional media outlet, increasingly there are web-only newspapers, blogs, and Internet TV that provide political information. Online news media also impact traditional media, who use them as sources as well as integrating social media into their own coverage to engage audiences.

The role of the Internet during an election process is becoming an increasingly relevant area of assessment for EU EOMs, in particular in relation to online media and the use of web platforms by candidates, parties, the EMB, civil society groups and other relevant stakeholders.

4.9.1 International instruments

The framework for this assessment rests on international law and principles concerning freedom of expression, Internet governance and Internet regulation.

The key references are Article 19 of the ICCPR as well as General Comment No. 34 (GC 34) issued by the UN Human Rights Committee.[43]

Other relevant references include a number of declarations, recommendations and studies issued by international organisations and institutions. Of particular importance are:

- The Joint Declaration on Freedom of Expression and the Internet ('the 2011 Joint Declaration') of the four bodies overseeing media freedom internationally[44];
- The UN Human Rights Council, Resolution L.13 - The promotion, protection and enjoyment of human rights on the Internet (see: A/HRC/20/L.13, 29 June 2012).

In 2014, the Council of the European Union adopted the EU Human Rights

43 International Covenant on Civil and Political Rights, 1966; UN Human Rights Committee General Comment No. 34 Article 19: Freedoms of opinion and expression, 2011

44 *Joint Declaration on Freedom of expression and the Internet*, issued by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, 2011.

Guidelines on Freedom of Expression Online and Offline.[45] The guidelines affirm the EU's commitment to the protection of freedom of expression worldwide and list a number of priority areas for action, including: combating violence, persecution, harassment and intimidation of individuals because of their exercise of the right to freedom of expression; promoting laws and practices that protect freedom of opinion and expression; promoting media freedom and pluralism; promoting and respecting human rights in cyberspace and other information and communication technologies, as well as promoting legal amendments and practises aimed at strengthening data protection and privacy online/offline.

4.9.2 Key principles and concepts

The elaboration of principles regarding freedoms and the Internet is still an ongoing process, but it is possible to identify a number of principles to serve as benchmarks for assessing the online environment during elections.

Regarding freedom of expression on the web:

- Article 19 of the ICCPR protects the right to freedom of expression, defined as the right to seek, receive and impart information of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media. Thus, international standards for the protection of freedom of expression apply fully to online environment and content, according to the same principles applied offline (GC 34).
- (GC 34): "Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3 [of Article 19]".
- The UN Special Rapporteur on freedom of opinion and expression[46] identifies four types of online content that States are required to prohibit under international law: (1) child pornography, (2) direct and public incitement to commit genocide, (3) advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence, and (4) incitement to terrorism. All other types of expression should not be criminalised.
- Restrictions to freedom of expression online have to pass the established "three-part test", i.e. be provided for in law, pursue a legitimate aim, and be necessary and proportionate.[47]
- The following types of expression should never be subject to restrictions: discussion of government policies and political debate; reporting on hu-

45 Council of the European Union, *EU Human Rights Guidelines on Freedom of Expression Online and Offline*, Foreign Affairs Council meeting, Brussels, 12 May 2014

46 UN General Assembly: *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, 10 August 2011, A/66/290

47 *Ibid.*

man rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.[48]

- Unlike traditional broadcast media, online media are deemed to have no statutory obligation to impartiality, balance and fairness in relation to election coverage.

- Restrictions such as campaign silence and bans on opinion polls in the days before an election can be applicable to national news websites, but can hardly be enforced beyond.

Regarding the Right to Access the Web [49]

- Although access to the Internet is not yet a human right as such, States have a positive obligation to promote or to facilitate the enjoyment of the right to freedom of expression and the means necessary to exercise this right, which includes the Internet.[50]

- States are also called to promote universal access to the Internet as a condition necessary to promote respect for other rights, such as the rights to assembly and association, and the right to free elections.[51]

- Measures cutting off access to the Internet or parts of the Internet for whole populations or segments of the public can never be justified.

- Likewise, measures provoking slow-downs on the Internet or parts of the Internet are not considered in line with article 19 of the ICCPR.

- Denying individuals the right to access the Internet as a punishment is an extreme measure, which could be justified only where less restrictive measures are not available and where ordered by a court, taking into account the impact of this measure on the enjoyment of human rights.

- Other measures limiting access to the Internet, such as imposing registration or other requirements on service providers, are not legitimate unless they conform to the test for restrictions on freedom of expression under international law ('three-part test').

48 *Ibid*.

49 See the *Joint Declaration on Freedom of expression and the Internet*, op. cit.

50 UN General Assembly, *Report of the Special Rapporteur*, op. cit.

51 *Ibid*.

Online Media and User-generated Content

Blogging, microblogging, content communities, social networking sites and collaborative projects allow a variety of actors to share news, comments, knowledge and audio-visual material without being necessarily a journalist. This development of the media ecosystem requires some clarification to distinguish between: on one side, online media and online journalism, which are normally informed by self-regulation, professional ethics and specific rights, such as protection of sources; and, on the other side, other types of user-generated content such as private Facebook pages, political party websites and individual blogs, which do not have the same privileges.[52]

Content-based obligations for online news media

During elections, traditional news media are often bound to certain levels of obligations concerning impartiality, fairness, balance and equality. These are justified with a public interest argument and a scarcity assumption[53]. The Internet potentially provides for access to a variety of sources, opinions and ideas. In this respect, content regulation based on the scarcity assumption is no longer justifiable.

With regards to the public interest argument, international instruments allow for restrictions on certain types of speech, namely concerning harmful content, but only according to specific guarantees and safeguards against undue limitations of the right to freedom of expression. Therefore, the traditional quantitative content analysis, used by EU EOMs to assess the degree of internal pluralism for traditional news media, is not generally relevant to online news media.[54] On the contrary, **qualitative approaches** are better suited to monitor for cases of hate speech, violations of the campaign silence or derogatory language.

4.9.3 Methodological approach to the observation of online content

A plurality of actors uses the web and SNS: candidates and parties mobilising voters, EMBs sharing election-related information and promoting voter education, civil society organisations engaging citizens, journalists informing voters and individual citizens. Consequently, the responsibility for observation and assessment of Internet content rests not exclusively on the media analyst but also on other members of the core team, namely the legal, political and election analysts.

52 For a definition of media in the digital age, see the Appendix to the Council of Europe Recommendation CM/Rec(2011)7 on a New Notion of Media, 2011.

53 The scarcity assumption refers to the fact that audio-visual media benefit from public and scarce resources, the airwaves, and because of this benefit, they may be asked to fulfil certain public service obligations.

54 State-owned online media, due to their public funding, have an obligation to impartiality, objectivity and equality for election coverage. In this case, a quantitative content analysis may be adopted.

Assessing online content

The significant and growing impact of online election content necessitates a comprehensive approach by EU EOMs. For an EU EOM's assessment and reporting, one core team member typically has lead responsibility for this issue, generally the media analyst. Other members are expected to contribute to this assessment.

The **legal analyst** is responsible for assessing the legal framework for Internet governance, including the protection of freedom of expression online. The legal analyst also considers whether any restrictions on Internet content are transparent, proportional to the pursued aims and appealable through an independent and fair mechanism.

The **media analyst** assesses Internet freedom, including the regulatory framework, the degree of access, measures in place to block or filter content and the licensing system for Internet service providers (ISPs), as well as news coverage by online media and web versions of traditional media outlets. The media analyst also monitors and reports on any incidents of harassment, censorship and repression concerning freedom of expression online, namely attacks against bloggers, citizen journalists and online media.

The **political analyst** focuses on the election campaign, including how widely the Internet and SNS are used in the campaign by various political actors, how significant is the web as a vehicle for campaigning, the content of the online and SNS campaign and whether there are any instances of hate speech, incitement to violence or defamation. The political analyst also assesses to what extent civil society uses online platforms to mobilise citizens to participate in the election process.

The **election analyst** follows issues of transparency and access to information in relation to electoral authorities and any other public institutions involved in the administration of the elections. Key issues include to what extent the electoral authorities publish relevant official information on their websites, how they use online platforms to inform and educate voters, and any other online public outreach initiatives.

Analysis of this kind takes time and EU EOMs should be realistic about what can be reported with available resources. Ideally, core team members, in particular the media analyst and the political analyst, would have additional assistants with relevant knowledge designated to the task of collecting data on online content.

International standards	Examples of good practice
In addition to principles listed under 4.8 - Paragraph 2 protects all forms of expression and the means of their dissemination. (...) They include all forms of audio-visual as well as electronic and internet-based modes of expression. - State parties should take account of the extent to which developments in information and communication technologies, such as Internet and mobile-based electronic information dissemination systems, have substantially changed communication practices around the world. State parties should take all necessary steps to foster the independence of these new media and to ensure access of individuals thereto.	- The State promotes universal access to the Internet and does not unduly block, filter, or censor or restrict political content.

International standards	Examples of good practice
- Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as Internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3. (...) It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.[55]	

4.10 Complaints and appeals

All citizens have a right to an effective remedy, where their political rights have been infringed or denied. Without the opportunity to seek protection and redress in law, the political rights and freedoms related to elections may be of little value. The conduct of complaints and appeals processes is a useful indicator of the overall rule of law in the host country, and the level of public confidence in the integrity of the judiciary. This is especially relevant where the law is violated with impunity, or where the judiciary acts in a partisan or corrupt manner. In a contentious election, these factors can become paramount to the integrity of the process.

Timeframes

For each stage of the electoral process, the law should specify realistic timeframes for complaints and appeals to be submitted, and for decisions to be reached. The timeframes should provide a suitable balance between the time pressures of an election process, and the need to allow a complaint/appeal to be lodged and heard fairly. There should also be sufficient time for any remedy to be meaningful. This is particularly important for complaints that relate to voter or candidate registration, as remedies should be implemented before the end of candidate registration and election day, respectively.

Procedures for complaints and appeals

The procedures for addressing complaints and appeals vary among countries but should provide for a hierarchical right of appeal. Electoral disputes may be initially handled by the election administration and appeals lodged before a court. Alternatively, complaints may be dealt with by the election administration only, or by the judiciary only. Some countries enable final ap-

55 UN Human Rights Committee General Comment No. 34

peals to be lodged with parliament, which creates a possibility for a conflict of political interest. Confidence in a complaints resolution process is greatly enhanced where there is right of appeal to a court, as election administrators may have a conflict of interest in adjudicating an election dispute. The adjudication process can be undermined where there is a lack of public confidence in the independence and impartiality of the judiciary.

Violations of criminal law

In many countries, established instances of electoral fraud are considered as criminal offences. Where a complaint to protect an electoral right also relates to an allegation of criminal activity, the authorities should act to ensure protection of both the electoral right and the rights of the suspect, including the right to a fair trial for the suspect, which should be guaranteed in domestic law. Any decision to prosecute should be taken on the available evidence and without political consideration. At the same time, failure to prosecute electoral offences can undermine confidence in the election process and create an atmosphere of impunity that may encourage further offences.

Assessing the complaints and appeals process

The legal analyst assesses the procedures for complaints and appeals as provided in the legislation, as well as their implementation by relevant election authorities and judicial bodies. A key objective for the mission is to seek information on whether the complaints procedure provides a timely and effective remedy. Where possible, EU observers should obtain copies of official documentation related to any complaints, attend the hearings, and report on how it was resolved. When a decision on a complaint is appealed, the EU EOM should track its progress.

The legal analyst, in coordination with LTO teams, maintains a database to track the progress of election-related complaints as well as any resulting appeals, both at the national and regional levels, that usually includes the following information:

1. date and location of complaint;
2. date of submission and tribunal to which the complaint was submitted;
3. complainant and respondent;
4. legal basis for complaint;
5. whether supporting evidence was submitted;
6. whether the complaint has been followed up by EU EOM;
7. whether the complaint was submitted in accordance with procedures. If not, why not and how the receiving body dealt with it;
8. how the complaint was resolved;
9. whether the decision was appealed.

LTOs are required to follow electoral disputes in their AoR and report on them in the format provided by the legal analyst. This helps to follow-up on specific cases and provides a basis for the legal analyst to assess the process. The EU EOM may take steps to try to verify the basis of complaints and follow how effectively they are addressed. It is not uncommon that aggrieved electoral contestants or citizens approach an EU EOM with claims of irregularities or malpractice and supporting documentation that have not been formally submitted to the competent authorities. While an EU EOM takes note of such information, it always encourages complainants to use the established mechanisms, and makes clear that it cannot adjudicate on any complaint.

International standards	Examples of good practice
Right to an Effective Remedy[56] - All persons whose rights or freedoms are violated shall have an effective remedy, including in circumstances where the violation has been committed by persons acting in an official capacity. - The remedy shall be determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State. **Right to a Fair Hearing**[57] - All persons shall be equal before the courts and tribunals. Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. **Genuine Elections**[58] - There should be access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes. **Free Expression of Will**[59] - Any interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced.	- The procedures for submitting complaints and the jurisdiction of the relevant tribunals are clearly established. The procedures incorporate reasonable timeframes for submission and resolution of complaints and opportunities for appeals. - Courts have short deadlines for resolution of electoral complaints so candidates will not be disadvantaged by delays. - Challenges to the election results are adjudicated before the final results are certified. - The complaints procedure allows for a complainant to submit evidence (either in writing or orally) and for a defendant to respond to the evidence. - There is a right of appeal, including a right of appeal to a court. - There is no real or apparent conflict of interest that calls into question the impartiality of the arbiter of the case. - Full public information is available on the procedures, and a complete record of election-related complaints and appeals is archived and available.

Issues to be considered by the EU EOM

- Does the law provide citizens with the right to an effective remedy in cases where their political rights have been violated?
- Are the complaints procedures transparent?
- Are electoral remedies provided within a realistic timeframe?
- Is there a right of appeal to a court?
- Is the judiciary independent and perceived to be so?
- Are decisions on complaints or appeals taken impartially? Do the decisions appear to be reasonable, based on the available evidence?
- Is there confidence in the complaints procedures and the role of adjudicators?
- In cases of alleged criminal acts, are decisions to prosecute taken impartially? Do the decisions appear to be reasonable, based on the available evidence?
- Do political parties understand the complaints and appeals process? Do they use the official mechanisms to lodge complaints?

56 ICCPR Article 2(3)(a) and (c)

57 ICCPR Article 14(1) and UN Human Rights Committee General Comment No. 25 paragraphs 11 and 20

58 UN Human Rights Committee, General Comment No. 25, para. 20

59 UN Human Rights Committee, General Comment No. 25, para. 11

4.11 Human Rights

4.11.1 All Human Rights

Human rights are at the heart of an electoral process and international standards relating to elections are drawn largely from international human rights instruments. As set out in more detail in the sections above, an election process should be carried out in an environment in which the population can fully enjoy all its political rights and freedoms. All human rights issues are considered carefully by an EU EOM since a seemingly well-run election can be meaningless if essential civil and political rights and fundamental freedoms are not guaranteed.

In addition to the specific human rights issues described in the sections above, in particular freedoms of expression, association, assembly and movement, the violation of other human rights can result in an election that does not meet international standards. For example, the right to liberty and security of the person may be violated by the arbitrary arrest or detention of persons on election-related matters, or by threats and violence directed against those involved in an election.[60]

Concerns may arise if electoral stakeholders (such as campaign activists or participants at a rally) are arrested or detained without any basis in law, or where any arrest or detention is inappropriate or disproportionate to the circumstances of the case. All such persons have the right to be brought promptly before a tribunal or else released, and the right to challenge the lawfulness of their detention.[61]

The EU EOM identifies all human rights obligations and standards that are relevant to the host country. In circumstances where there are allegations of human rights violations during an electoral process, an EU EOM tracks and attempts to gather information on allegations. National human rights institutions and non-governmental organisations can be important sources of information for EU EOMs on the extent to which a host country respects human rights, and on the human rights situation in the country.

International standards	Examples of good practice
Right to Participate[61] - Every citizen has the right to take part in public affairs and to vote and be elected in genuine elections.	- All the human rights guarantees of international instruments have been fully incorporated into domestic law.

60 ICCPR Article 9(1)

61 ICCPR Articles 9(3) and 9(4)

62 ICCPR Article 25

International standards	Examples of good practice
Freedoms of Expression, Assembly, Association and Movement[63] - Freedom of expression, assembly and association are essential conditions for democratic elections and must be fully protected. **Non-Discrimination**[64] - States must respect and ensure that all individuals can enjoy their rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. **Security of the Person**[65] - Everyone has the right to liberty and security of person. No one shall be deprived of his liberty[...] **Fair and Public Hearing**[66] - All persons shall be equal before the courts. Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal.	- Laws are implemented in a manner that ensures all rights are respected. - Any political prisoners are released and allowed to participate in elections. - Any 'state of emergency' rules are lifted before an election process begins. - All official agencies – and in particular law enforcement agencies – exercise restraint and do not interfere in the electoral process. - Personnel of law enforcement agencies receive training on human rights and training on appropriate conduct during an election period.

Issues to be considered by the EU EOM

- Have any candidates or their supporters been detained or arrested? Are any candidates, or persons who were likely to be candidates, in exile?
- Have any prospective candidates been prevented from running because, for example, they are held in custody or are subject to administrative sanctions or a criminal investigation?
- Have any candidates, party activists, political activists, civil society representatives, electoral officials, observers, media representatives or voters been the victims of election-related violence? Have any campaign rallies, demonstrations, political gatherings or other activities been prohibited or obstructed by the authorities or security forces?
- Have any individuals or groups been subject to threats or intimidation, in particular by state authorities?
- Have government workers, students or others been forced or instructed to participate in campaign activities in support of ruling parties or incumbents?
- Are there any state-of-emergency laws or regulations in place? If so, how do these affect the electoral process?
- Does the national human rights institution comply with the Paris Principles?[67]

63 ICCPR Articles 12, 19, 21 and 22

64 ICCPR Articles 2 and 3

65 ICCPR Article 9

66 ICCPR Article 14

67 UN Human Rights Commission Resolution 1992/54 and UNGA resolution 48/134 of 1993 on the status and functioning of national human rights institutions

4.11.2 Participation of women[68]

Women and men have an equal right to participate in all aspects of public life, and women must be able to exercise their political rights during an election process. Women's right to participate in elections is not limited to registering and voting but also includes standing for office, participating fully in the campaign, and imparting and receiving information freely. Women should be well represented in candidate lists, political party leadership and election administration at all levels.

A number of factors – legal, social and cultural – can inhibit the participation of women. In some countries, laws may limit women's ability to be politically active, but this is relatively rare. However, there are often underlying barriers to women's participation that the State has an obligation to try to overcome. Women may receive less education or be more likely to live in poverty, with the result that they are disadvantaged politically. Although women may be equal to men under the law, they may be subject to indirect discrimination, or suffer from cultural stereotypes that can limit access to political participation. In countries where women's civil and political rights are particularly restricted for cultural or other reasons, consideration should be given to whether adequate enabling measures are in place.

Every element of an election process can affect women's participation. The electoral system might have an important impact on women's possibilities to be elected; for example, experience shows that women are less disadvantaged in proportional systems with closed lists.

The legal framework might disadvantage women in unexpected ways; for example, if citizenship laws apply differently to women and men, some women or their adult children may be disenfranchised. Women with small children might not register to vote if registration centres are not easily accessible. Women voters should be protected from intimidation, coercion and harassment, which in some countries might require separate polling stations. In post-conflict or other contexts where the security situation is problematic, women voters and candidates may be more susceptible to politically motivated violence. Violence may also be used as a tool to discourage women from participating.

Article 4 of the CEDAW stipulates that 'temporary special measures aimed at accelerating the *de facto* equality of men and women shall not

68 A more comprehensive overview of issues that affect women's participation can be found in the UN Handbook *Women and Elections, Guide to Promoting the Participation of Women in Elections*. See also OSCE/ODIHR's publication *Handbook for Monitoring Women's Participation in Elections*.

be considered discrimination'. This opens the possibility for countries to implement a policy of reserved seats or quotas for women. The EU EOM assesses how any such system is implemented and the extent to which it is effective in achieving its aims.

Assessing women's participation

The issue of women's participation is mainstreamed into all aspects of an EU EOM and reporting on women's participation is therefore the responsibility of every mission member – including core team, LTOs and STOs.[69]

In some cases there may be a gender analyst in the core team whose role is to provide expertise and ensure comprehensive reporting in this area. When there is not a gender analyst, one core team member is usually assigned as a gender focal point and liaises with other mission members to coordinate efforts as well as meeting key interlocutors such as women's organisations.

An EU EOM should not just describe the situation for women in the country or in the electoral process, but rather should focus on concrete actions taken to facilitate women's participation in elections by relevant stakeholders. An EU EOM should take note of what further actions are needed and should reflect these in the mission's reporting, including the recommendations in the final report.

International standards	Examples of good practice
Non-Discrimination - The equal right of men and women to the enjoyment of all civil and political rights should be ensured. [70] - Discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political [and] cultural life of their countries, hampers the growth of the prosperity of society [...].[71] - States [...] shall ensure to women, the rights, on equal terms with men, to vote in all elections and to be eligible for election to all publicly elected bodies; [...] to perform all public functions.[72]	- Voter education promotes the participation of women in the electoral process, especially the right to register as voters, participate as candidates and to individually cast a secret ballot. - Political parties support and encourage women candidates, including by ensuring that women are nominated as candidates in equal numbers to men and are placed in 'winnable' positions on party lists. - The legal and procedural framework for elections is reviewed to ensure that it does not have a negative impact on the participation of women. - EMBs seek to employ equal numbers of men and women at all levels. - Citizen observer groups and party representatives seek to include equal numbers of men and women.

69 Detailed guidelines for Assessing Women's Participation in Elections are provided to all EU EOM core teams.

70 ICCPR Article 3

71 CEDAW Preamble

72 CEDAW Article 7

International standards	Examples of good practice
- Societies in which women are excluded from public life and decision-making cannot be described as democratic. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both. [73]	- Disaggregated data is collected on the number of men and women voters who register and who participate in elections. - Media portray women as credible leaders and candidates.

Issues to be considered by the EU EOM

- To what degree do women participate in public life?
- What societal attitudes are there to women's involvement in politics? What barriers are there to women's equal participation?
- What measures are in place to promote equality of participation?
- How many women are registered as voters? Is this an improvement over previous elections? Are women disadvantaged by factors such as registration locations, literacy requirements, language and documentation requirements?
- What is the attitude of political parties towards women in politics?
- How many women are standing as candidates? Are there any special provisions for women candidates?
- Does the EMB employ equal numbers of men and women at all levels?
- Are issues of special interest to women addressed by the contestants?
- Are women attending and speaking at rallies?
- Is voter and civic education reaching women? If not, why not?
- Are there signs that violence during the campaign has had a stronger disengaging effect on women?
- What time and space is given in the media to women candidates and to issues of special interest to women?
- Are there segregated polling stations for men and women? If so, are the women's stations staffed by women, and are there sufficient women observers and party representatives to provide effective coverage?
- Is a culture of family voting resulting in women having less opportunity to mark their ballots in secret?
- What proportion of women vote in relation to those who were registered, and in relation to men who voted?
- How many women candidates were elected? Is this an improvement over previous elections?
- Is there a quota for women's seats? If so, what is the attitude to this?

73 CEDAW Committee's General Recommendations No. 23

4.11.3 Participation of minorities[74]

In countries where there are minority populations of different national, ethnic, religious, cultural or linguistic backgrounds, an EU EOM considers to what extent individuals from such groups enjoy the right and opportunity to participate in public affairs and elections on an equal basis, without discrimination. In particular, it considers the right of all eligible citizens from minority groups to be registered as voters and the right for candidates from minority backgrounds, or who represent minority political parties, to stand for office.

An EU EOM considers the impact of the electoral system and, for example, whether there is distortion of electoral boundaries or allocation of seats and/or votes that discriminates against the participation of any minority groups.

In some countries minorities have traditionally been discriminated against and marginalised, resulting in particular problems, such as high rates of illiteracy and low rates of obtaining citizenship documents and voter registration. Special measures may need to be taken by relevant authorities to facilitate election participation by minorities.

Some countries have legislation that recognises the rights of minority groups, including the right to use their own language, that may also have implications for the election process. States should produce election materials, including voter education and ballot papers, in minority languages.

Assessing minority participation

As with women's participation, issues of minority participation are mainstreamed in the EU EOM, and reporting on minority participation is the responsibility of all mission members. In some cases there may be a minority analyst or a human rights expert specifically responsible for comprehensive reporting on minority participation. If this is not the case, a focal point should be assigned among core team members to ensure coordination and proper reporting on the issue.

Participation of minorities affects every stage of the election process and a broad view should be taken by an EU EOM. At the same time, the EU EOM should be careful to focus on issues of participation, rather than the more general situation of minority rights in the country. An important consideration is to what extent is participation facilitated by authorities, political parties and other stakeholders in practice, and whether any steps have been taken to counter discrimination.

74 Also see OSCE/ODIHR *Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes* (2014) and European Commission for Democracy through Law (Venice Commission) CDL-EL(2013)006 *Electoral Law*, p. 44.

International standards	Examples of good practice
Non-Discrimination - States Parties undertake to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of [...] the right to participate in elections and to take part in the conduct of public affairs.[75] - Where a minority exists in a country, the minority has a right to the enjoyment of its language.[76] - Information and materials about voting should be available in minority languages.[77] **Equal suffrage** - The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group.[78]	- Electoral materials, including ballot papers, are made available in minority languages. - Voter education initiatives are aimed at minority groups and are conducted in minority languages. - Minorities are represented in political parties, including as candidates and party representatives. Political parties support and encourage minority candidates. - EMBs seek to employ minorities at all levels. - Citizen observer groups include minorities. - Disaggregated data is collected on the number of minority voters who register and take part in elections. - The legal and procedural framework for elections is reviewed to ensure that it does not have a negative impact on the participation of minorities. - The electoral system facilitates representation of minority groups and promotes inter-communal cooperation.

Issues to be considered by the EU EOM

- Are there reliable and up to date census figures for the percentage of minorities in the population?
- Does the constitution or legal framework provide any recognition of minorities?
- To what degree do minorities participate in public life?
- Is there an equal right and opportunity, both in law and in practice, for persons belonging to minorities to participate in the electoral process as voters, candidates, political party activists and electoral administrators?
- If not, what measures are in place to promote equality of participation by minority groups?
- Are there any candidates who are members of minorities? If so, have they faced any particular obstacles?
- Are there restrictions on the use of minority languages in the campaign?
- Are there restrictions on the formation of political parties representing minority groups?
- Does the EMB make efforts to employ people from minority groups, and at what levels?
- Do citizen observer groups make efforts to include people from minority groups, and at what levels?

75 ICERD Article 5

76 ICCPR Article 27

77 UN Human Rights Committee, General Comment No. 25, para. 12

78 UN Human Rights Committee ,General Comment No. 25, para. 21

Issues to be considered by the EU EOM

- Do registration requirements for political parties, for example on geographical distribution of members, inhibit the participation of regionally concentrated minorities? Do electoral thresholds have an impact on the ability of minority political parties to win seats?
- Are issues of special interest to minority groups addressed by the contestants? Are they covered by the media? Are there media operating in minority languages?
- Are people from minority groups attending and speaking at rallies?
- Is voter education reaching people from minority groups?
- Are polling stations in minority communities more vulnerable to irregularities? If so, what actions have been taken by the authorities?
- How many candidates from minority groups were elected? Is this an improvement over previous elections?

4.11.4 The participation of persons with disabilities

Citizens with disabilities have an equal right to participate in public and political affairs. They should not face obstacles in enjoying their political rights, including the right to vote, to stand as a candidate and to take an active role in the campaign.

The Convention on the Rights of Persons with Disabilities (CRPD)[79] is a far-reaching document whose entering into force in 2008 marked a paradigm shift in the way disability is considered by international law[80]. No longer is the focus on a person's impairment *per se*, but rather on the obligation of society to be inclusive and accommodate individual differences. In the electoral context, this means authorities have the responsibility to proactively remove obstacles and facilitate participation throughout the election process.

The authorities should take measures to provide opportunity for voters with disabilities to vote in secret and, to the largest possible extent, without assistance in a regular polling station. Only if this cannot be accommodated should alternative voting methods (*e.g.*, mobile ballot box, postal voting, internet voting) be considered. Given the increased risks for secrecy and integrity with remote voting, these methods should not be promoted as a substitute to improving accessibility at regular polling stations.

CRPD guarantees full participation in public life, including the right to vote and be elected for persons with disabilities and does not refer to any possible reasonable restriction to these rights. Until recently, men-

79 The EU has demonstrated its commitment to the rights of persons with disabilities through its ratification of the CRPD in December 2010, making it the first human rights treaty to be ratified by a regional organisation.

80 As of January 2016, the Convention has 160 State Parties, and 187 signatories.

tal incapacity was generally regarded as possible legitimate grounds for limiting suffrage rights, provided that restrictions were based on an individual assessment. This matter is in rapid evolution, as new jurisprudence is being developed by international human rights bodies as regards conditions for the right to vote of persons with mental disabilities.[81]

In addition to non-discrimination and universal suffrage, the following principles are referred to in CRPD and relate specifically to the participation of persons with disabilities:

- Accessibility involves electoral participation by people with disabilities being as easy as it is for others. It has a broad meaning and is not limited to voting facilities, but guarantees the effective and full participation of persons with disabilities in public affairs. Barriers that may need to be overcome include inter alia: physical obstacles at registration and polling stations, lack of accessible formats for voters' information or candidates' communication.

- Universal design refers to a proactive approach to accessibility. The rationale is to devise objects, products, procedures and environments in such a way that they are usable by all people, including people with disabilities, without the need for adaptation. Under universal design, voters with disabilities vote, to the largest extent possible, in the same locations, and according to the same procedures as other voters.

- Reasonable accommodation refers to the solutions that States have to implement in order to ensure persons with disabilities are able to exercise their human rights and fundamental freedoms on an equal basis. For voting conditions, the starting point is to try to provide opportunity for voters with disabilities to register, to vote in secret, and to mark a ballot directly, without assistance and in a regular polling station. Reasonable accommodation refers in this case to any adjustments that must be taken to make this possible. CPRD considers failure to provide reasonable accommodation as discrimination (article 2).

81 See: CRPD Committee, *Zsolt Bujdoso v. Hungary*, 9 September 2013; UN Human Rights Committee, *Concluding Observations on Belize*, 2013; ECHR, *Alajos Kiss v. Hungary*, 20 May 2010.

Assessing the participation of persons with disabilities

EU EOM core teams and observers have a responsibility to look comprehensively at the participation of people with disabilities in the electoral process. EU EOMs must consider the subject in full, even if a country has not ratified the CRPD, and therefore has more limited obligations.

The expanding recognition in international law of participation, including political participation, by people with disabilities, shows an emerging understanding and indicates developing global norms that can be referenced. However the exact language used by the mission depends on the jurisdiction applicable in the host country, *i.e.* which international treaties have been signed and ratified.

One core team member takes lead responsibility for ensuring that disability issues are comprehensively addressed by the EU EOM. Other core team members are expected to contribute by undertaking research and analysis in their respective areas of assessment. The lead core team member supports core team colleagues, ensures coordination, meets with disability organisations and gather data on the number of people estimated to have disabilities and the system for recording this. LTOs may also be able to meet with disability organisations at the local level and, along with STOs, assess the degree to which regulations and initiatives aimed at facilitating participation are implemented in practice around the country.

International standards	Examples of good practice
Non-Discrimination - States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.[82] **Universal Suffrage** - State Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others and shall ensure effective and full participation in public life, including the right and opportunity for persons with disabilities to vote and be elected.[83] - It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements.[84]	- Voting procedures and materials are easy to use by persons with disabilities. - Polling stations and voter registration facilities are accessible to persons with disabilities, for example, located on ground floors of buildings with adequate space for wheelchair users. - Adequate training is provided to election officials on facilitating participation of disabled persons. - Special materials are developed to enable the blind to have a secret vote (*i.e.*, without the assistance of another person). - Voter information is available in various formats in advance of elections, including on accessibility measures. - Political campaign events and materials are accessible. - Where necessary, assisted voting is in place but with appropriate safeguards – *i.e.*, the person providing the assistance is selected by the voter and must sign an oath protecting secrecy. - Postal ballots are provided for persons who cannot visit polling stations due to physical disability or long-term illness.

82 CRPD, Article 5(2)

83 CRPD, Article 29

84 UN Human Rights Committee, General Comment No. 25, para. 10

Issues to be considered by the EU EOM

- Are persons with disabilities provided with the opportunity in law and in practice to exercise their electoral and political rights without restriction?
- What are the barriers to their participation in the electoral process?
- What measures are in place to promote and enable their full participation?
- Where active registration is taking place, are steps taken to ensure inclusion of eligible people with disabilities in the voter register?
- Do election officials demonstrate knowledge of how to facilitate participation of persons with disabilities?
- Has adequate and effective voter information, including on accessibility measures, been provided to persons with disabilities in a timely manner?
- Are any persons with disabilities running as candidates?
- Are persons with disabilities attending and speaking at campaign events? Are campaign facilities and materials accessible?
- What policies do political parties have on including people with disabilities? Do party/candidate platforms address issues of particular interest to persons with disabilities?
- Are people with disabilities active in citizen observer groups?
- Are polling stations and equipment fully accessible to people with disabilities? Do polling booths have proper lighting?
- What procedures are in place for assisted voting for the disabled?
- Is there any provision for absentee voting, or for people confined to institutions (hospitals, elderly persons' homes) to vote? If yes, are proper safeguards in place?

4.11.5 The participation of internally displaced persons and refugees

Where relevant, an assessment of an electoral process will take account of the participation of internally displaced persons (IDPs), *i.e.* persons who have been forced or obliged to leave their place of residence (as a result of conflict, violence, human rights violations or natural disasters) but who have remained in their country. As citizens, IDPs should still retain all of their political rights, including the right to participate in the country's electoral process. Measures need to be taken to ensure that IDPs enjoy these rights, which may be affected by their forced change of residence or loss of documentation.

In countries with more than one constituency, the question of which constituency IDPs may cast their vote in, whether their place of origin, or their place of new residency, is often acute, and there are often ethnic, religious, linguistic or political implications.

Where possible, IDPs should be able to vote in their place of origin (although without being required to return there, particularly when security considerations make this too dangerous).

When their decision is to re-settle in their place of new residence, IDPs should be able to officially change their place of residence, in the same way as any other citizen and without discrimination. In such instances, there should be no impediments to IDPs registering and voting in their new place of residence.

Documentation issues are also relevant, as many IDPs may have lost their identity documents, or they may have been destroyed when they fled. This requires special efforts by the authorities to facilitate IDPs' enjoyment of their civil and political rights.

Similarly, an assessment may need to consider whether refugees (*i.e.*, persons who have been forced to leave their country because of a well-founded fear of violence or persecution) are able to participate in their country's electoral process. This issue depends on whether the legal framework provides electoral rights to citizens resident outside the country. If this is so, it also depends on how relevant legislation is implemented, and whether the host-country allows refugee voting to take place. In countries from which there has been a large outflow of refugees, especially following conflict, it is reasonable to assume that the authorities will facilitate their participation in an electoral process. Returning refugees may face similar issues to those of IDPs in enjoying their right to vote.

Assessing IDPs and refugee participation

An EU EOM is responsible for assessing the degree to which IDPs are able to effectively participate in an election and the opportunities provided by the state for their full and effective participation. In a post-conflict election, there may be significant issues related to IDPs in different parts of the country that must be addressed by the EU EOM.

- One core team member takes lead responsibility for ensuring that IDPs issues are comprehensively addressed by the EU EOM.
- Other core team members assess IDPs issues within their area of responsibility. In particular:
  - The legal and election analysts look at the legal and procedural framework for IDPs participation, as well as the implementation of the framework.
  - The observer coordinator liaises closely with LTOs who are in areas with IDPs to assess the practical aspects of conduct of the campaign and voting preparations.
  - STOs are responsible for assessing the circumstances of IDPs voting on election day.

In countries where there has been a refugee outflows, the EU EOM similarly assesses issues of participation. However, unless special arrangements have been made, it will not likely be possible for the EU EOM to assess practical conditions for registering, campaigning and voting of refugees, as these processes take place outside of the country and therefore outside of the presence of the EU EOM personnel.

An EU EOM will likely meet with the International Organisation for Migration and other international organisations responsible for IDPs and refugee issues as well as national authorities to collect data.

International standards	Examples of good practice
Universal Suffrage[85] - States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. - If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote.	- IDPs are able to vote in elections for their home district. - IDPs do not suffer adverse consequences (*e.g.*, loss of social benefits or housing) in their current place of residence by registering to vote or casting their vote in their home districts. - Registration and voting is facilitated for refugees in their current location, with no negative repercussions for their status in the host-country. - Voter education and campaign material is provided for IDPs and refugees.

Issues to be considered by the EU EOM

- Are there accurate figures for the number of IDPs and refugees?
- Are there issues concerning the districting of constituencies that relate to IDPs – *i.e.*, are they properly counted in the population, and are the districts delimited and representatives allocated fairly?
- Are IDPs given the opportunity to register as voters, to vote and to stand as candidates in either their district of origin or their district of new residence?
- Regarding voter registration, have special measures been undertaken to enable and/or facilitate registration of IDPs and, where necessary, facilitate personal identification and re-issuing of identity-certifying documents or voter cards?
- Are appropriate and effective measures in place, *i.e.*, legal, policy, administrative, procedural and other, to ensure participation of IDPs in all aspects of an electoral process without discrimination? If out-of-country voting is permitted, are similar measures in place for refugees?
- Have appropriate voter education campaigns been designed for and reached displaced persons, whether they reside in camps, collective centres or are dispersed among the general population?
- Are IDPs able to participate in the campaign, including freedom of movement? Do security conditions allow the exercise of their participation rights, including assembly, expression and association?
- Have there been any cases of coercion and threats towards IDPs and/or any other attempts at influencing their voting choices, either during the election campaign or on election day?
- On election day, have special arrangements been made to enable and facilitate the participation of IDPs in the electoral process, *e.g.*, when the distance to the polling station is long, is transport provided free of charge or at a low cost? Are adequate security measures in place at polling stations and *en route*?

85 UN Human Rights Committee General Comment No. 25 para. 11. See also: ICERD General Recommendation No. 22, para. 2(d) on refugees and displaced persons, which stipulates that all "refugees and displaced persons have, after their return to their homes of origin, the right to participate fully and equally in public affairs at all levels." This provision, however, only relates to refugees and displaced persons after their return to their homes. In addition, see UN Guiding Principles on Internal Displacement, principle 22, which reiterates that IDPs shall not be discriminated against as a result of their displacement in the enjoyment of the right to vote and to participate in governmental and public affairs. See also International Organization on Migration (IOM) document *Enfranchising Conflict Forced Migrants: Issues, Standards and Best Practices* (September 2003).

Issues to be considered by the EU EOM

- Has the election process coincided with incidents of forced displacement of population? If so, are there reasons to believe that the displacement aimed at changing the outcome of the elections?
- Are there any mechanisms for refugees to register and vote in their current location? What safeguards are in place for the security of such votes? What voter education and campaign information is provided? How will votes by refugees be counted?

4.12 Civil society

All persons have a right to participate in public affairs, including in civil society activities and, through their right to freedom of association, to form and join civil society organisations. Such organisations play an essential role in democratic development through their ability to represent social interests, advocate policies, provide key services and undertake research activities, often from a non-partisan perspective. They also provide an important function of promoting accountability through their scrutiny of government activities. Any restrictions on the formation, registration and operation of civil society organisations should be reasonable.

Civil society organisations often participate in an electoral process through citizen non-partisan election observation. Such work can greatly enhance the transparency of the electoral process and make a vital contribution to public confidence in the credibility and legitimacy of an election.

The legal framework for elections should provide guarantees for the right of citizen observer groups, in addition to similar rights provided to candidates, political parties and their representatives, to observe all aspects of the electoral process. It is important that citizen observer groups enjoy the respect and the confidence of the public. Such groups should play a clearly neutral role and report only accurate and objective findings. This requires the groups to be well-organised, adhere to a credible methodology, and provide quality training for their observers. The *Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations*, sets out clear principles for credible and responsible observation.[86] As of January 2016, it has been endorsed by over 250 citizen observer groups worldwide.

Civil society organisations may also contribute to the electoral process in other ways, especially through the conduct of voter education activities, promoting codes of conduct for contestants, auditing the voter register, monitoring the media, undertaking parallel vote tabulations, convening public meetings or debates, and advocating for electoral reform.

86 *Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations*, commemorated on 3 April , 2012 at the United Nations, New York, available at: http://www.gndem.org

Considering civil society involvement in the election process

An EU EOM interacts frequently with civil society groups as key stakeholders in the electoral process. They typically act as citizen watchdogs on various parts of the process, and provide voter and civic education. They are also often useful source of information for an EU EOM – both for the core team at the central level and for LTOs at the regional level.

The election analyst generally acts as the main contact point for any citizen observer groups, and the political analyst takes lead responsibility for ensuring that other issues related to civil society are covered by the EU EOM. In particular, the EU EOM should consider to what extent authorities facilitate or inhibit the election-related activities of civil society groups. As an endorsing organisation of the Declaration of Principles for International Election Observation, the EU has a specific responsibility to evaluate and report on whether citizen observer organisations are able to conduct their activities without undue restrictions or interference and to advocate for their right to do so.[87] While an EU EOM liaises closely with citizen observers who can provide valuable information on the election process, it bases its conclusions only on its own findings.

International standards	Examples of good practice
Freedoms of Expression, Assembly and Association[88] - Citizens are able to take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association. **Genuine Elections** - There should be independent scrutiny of the voting and counting process [...] so that electors have confidence in the security of the ballot and the counting of the votes.	- Election laws provide for observation of all aspects of the election process by citizen observers. - EMBs and other authorities welcome, encourage and facilitate civil society participation in the electoral process, including through meetings and consultation with observer groups and cooperation on voter education activities. - The accreditation process for citizen observers is simple, timely and efficient.

Issues to be considered by the EU EOM

- Are the rights to form and join a civil society organisation protected in law?
- Is there an active and pluralistic civil society participating in public affairs? If so, how effective is it? Are there obstacles to its effectiveness?
- Are citizen observer groups provided with the right to observe all aspects of the electoral process?
- Is there active observation of the electoral process? If so, what aspects are being observed?
- Are there restrictions on who can be accredited to observe the electoral process or on their degree of access? Are the restrictions reasonable?
- Is there public confidence in the work of such groups and the quality of their observation methodology?
- Are civil society organisations undertaking other activities related to the electoral process?
- How do you assess the quality of observation and reporting?

87 *Declaration of Principles for International Election Observation*, op. cit. para. 16

88 UN Human Rights Committee, General Comment No. 25, paragraphs 8 and 20

4.13 Election day

4.13.1 Voting: the Right to Vote, Equal Suffrage and the Free Expression of the Will of the Electorate

All eligible citizens have the right to vote and should be provided with opportunities to exercise that right. In some countries voting is compulsory, but elsewhere voters can choose not to vote and cannot be forced to do so, or punished for not doing so. All voters should have the same opportunities and conditions for voting, to ensure equal suffrage.

Access to polling stations is a necessary condition for voting, and the authorities have a responsibility to facilitate freedom of movement of voters to polling stations. Voters should be informed of their assigned polling station and not be required to travel an unreasonably long distance. Arrangements should be made for persons with disabilities to have access to their designated polling station. The number of polling stations should be in proportion to the size of the electorate and should prevent overcrowding, which can lead to the disenfranchisement of voters. The time available for voting should be fixed by law and should be the same for all voters. Delays to the opening of polling stations or early closing undermine the right to vote.

Identification: Where voters are required to prove their eligibility, documentation constituting valid proof should be specified in law, and should be the same for all voters. Nobody should be able to vote on behalf of another person (*proxy voting*) unless defined by law for specific circumstances.

Voting procedures should be consistent and allow all voters to cast their ballots in an efficient and organised manner. There should be an adequate number of properly trained polling officials who should be required to act in a fair and impartial manner. Eligible citizens who are prevented from voting by, for example, a decision of the polling staff or exclusion from the voter register, should have an opportunity to seek effective remedy. Accredited party/candidate representatives and international and citizen observers should be permitted to observe all aspects of election day activities, including opening and voting proceedings, closing, counting and tabulation of results. No unauthorised persons should be present in polling stations and no one should interfere in the conduct of voting.

Multiple voting – where a voter casts more ballots than permitted – undermines equal suffrage and should be prohibited by law and prevented through adequate safeguards. Examples of safeguards include: marking the voter register to indicate a voter has voted, requiring the voter to sign the register, and marking a voter's finger with ink. Safeguards should also be put in place to ensure that ballot papers are properly accounted for, supervised and secured at all times, including during transfer to the polling station and storage. Ballots should be validated during voting by marking them with an official stamp and/or the signatures of polling station officials.

The right to vote and the free expression of the will of the electorate is undermined where there is intimidation, violence, undue influence or coercion. Bribery or other unfair inducements to vote for a certain candidate (known as *vote-buying*) also compromise the free expression of the will of the electorate. Security personnel should ensure a secure environment outside of polling stations and act in an appropriate and impartial manner. They should not contribute in any way to an atmosphere of intimidation. Similarly, all public authorities should act in a neutral manner on election day and campaigning inside a polling station/centre should be prevented.

International standards	Examples of good practice
Right to Vote[89] - Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers and poverty which prevent persons entitled to vote from exercising their rights effectively. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice	- There is an adequate number of polling stations countrywide. - The number of polling stations is in proportion to the size of the electorate, with a maximum number of voters per polling station that ensures that all voters can be processed efficiently.

89 UN Human Rights Committee, General Comment No. 25, paragraphs 12 and 20

International standards	Examples of good practice
Equal Suffrage[90] - Persons must not vote more than once (the principle of one person, one vote). **Freedom of Movement**[91] - Positive measures should be taken to overcome impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. **Free Expression of the Will of the Electorate**[92] - Persons entitled to vote must be free to vote for any candidate for election without undue influence or coercion of any kind which may distort or inhibit the free expression of the voter's will. - Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind. **Genuine Elections**[93] - There should be independent scrutiny of the voting process and access to judicial review or other equivalent process so that voters have confidence in the security of the ballot.	- The opening hours of polling stations are established in advance and are consistently applied throughout the country. Polling station opening should be sufficiently long to enable all electors to vote without undue inconvenience. - Ballot papers are designed as simply as possible. - There are sufficient electoral materials, including ballot papers, to ensure that all voters are able to vote. - Security and integrity of ballot papers and other sensitive materials is assured in a transparent manner. - Polling stations are accessible to persons with disabilities. - Appropriate security procedures are established to ensure the political rights of citizens are protected. - Campaigning inside polling stations is not permitted. - Candidate/party representatives and non-partisan election observers, including those from civil society groups and international organisations, are able to observe all stages of the election day process.

Issues to be considered by the EU EOM

- Is the right to vote restricted in any way? Do voters have difficulties with access to their designated polling stations? Are there problems with overcrowding, excessive delays or queues?
- Do arrangements for voting establish equal requirements and opportunities for all voters? Are voting procedures conducive to an efficient and transparent voting process?
- Is the ballot paper designed as simply as possible and suitable for use by all voters?
- Are candidate/party representatives and observers able to observe all aspects of the voting process?
- Is impartial assistance provided to voters who require such support?
- Do polling officials conduct voting efficiently, impartially and in accordance with the law?
- Are only authorised people present in the polling station?
- Are appropriate steps taken to guarantee the integrity of the ballot and to prevent fraud?

90 UN Human Rights Committee, General Comment No. 25, para. 21

91 UN Human Rights Committee, General Comment No. 25, para. 12

92 UN Human Rights Committee, General Comment No. 25, para. 19

93 UN Human Rights Committee, General Comment No. 25, para. 20

Issues to be considered by the EU EOM
- Is there evidence that the integrity of the ballot has been compromised through error and/or fraud? If so, what is the scale of the problem? Is it isolated or systematic, and what steps are taken to stop it? - Are appropriate steps taken to prevent intimidation or coercion of voters and unlawful interference in polling? - Is there evidence that intimidation or coercion of voters has taken place? If so, what steps are taken to enforce the law? - Is there a peaceful atmosphere on election day? - Are security forces behaving in an appropriate manner?

4.13.2 Voting: the Right to a Secret Ballot

All voters have the right to vote in secret. It is the responsibility of the authorities to guarantee this right through provision of polling booths that allow ballot papers to be marked in private. Marked ballots should not be inspected before being placed into a ballot box, or contain any identifying features that would enable the ballot paper to be traced back to the voter. Voters should not be intimidated or coerced into revealing for whom they voted. Except in cases where a voter is being lawfully assisted, a voter cannot waive their right to vote in secret. Voting at the same time as another person in the same polling booth (so-called family/group voting) and voting outside a polling booth (open voting) should be prohibited.

Assisted Voting: Voters who are unable to vote unaided under standard procedures (for example blind voters) have the right to be provided with assistance. Wherever possible, however, steps should be taken to enable them to vote independently. Procedures for assistance should be regulated and publicised before election day. Assistance in marking a ballot paper should only be provided to those who would not otherwise be able to cast a ballot. The assistance provided should be independent, honest and protect the secrecy of the voter's choice.

Under article 29 of the Convention on the Rights of Persons with Disabilities, assistance is to be given by a person of the voter's own choice, although there may be restrictions on the number of times an individual can provide assistance. Those providing assistance should be impartial and therefore should not be candidate or party representatives.

International standards	Examples of good practice
Right to a Secret Ballot[94] - States should take measures to guarantee the requirement of the secrecy of the vote during elections.	- Polling stations ensure privacy through a sufficient number of polling booths, of an appropriate design and quality that are suitably positioned.

94 UN Human Rights Committee, General Comment No. 25, paragraphs 12, 19 and 20

International standards	Examples of good practice
- Voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted. **Assisted voting**[95] - Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.	- The law prohibits 'open voting' and 'group voting' unless the voter is being lawfully assisted, and this is effectively enforced. - Voting procedures ensure that a marked ballot cannot be viewed before being cast. A ballot paper is not traceable back to the voter.

Issues to be considered by the EU EOM

- Is the right to secrecy of the ballot guaranteed in law and in practice?
- What steps are taken to prevent group voting and open voting?
- Is group voting and open voting occurring, and if so, how frequently, and how is it responded to?
- Are persons requiring assistance provided with it in a manner that ensures the secrecy of the ballot?

4.13.3 Special voting procedures

Special voting procedures may be applied where voters are unable to attend regular polling stations to cast their ballot. Often such procedures allow voters to vote in a location other than their designated polling station (absentee voting). Special voting procedures may take place in special polling stations (for example, in places of detention, army barracks and universities). Some countries also allow voters to vote in a polling station other than their assigned polling station with an absentee voting certificate. Other forms of special voting include:

- Mobile voting: polling officials transport a mobile ballot box to voters who cannot attend their designated polling station (e.g., ill or elderly voters can cast their ballot at home or a hospital). Mobile voting usually takes place on election day but may also happen in advance.
- Postal voting: voters cast their ballots by post in advance of election day.
- Early voting: voters unable to attend their designated polling station on election day (e.g., election officials or security personnel) cast their ballot early.
- Out-of-country voting: expatriate citizens entitled to suffrage cast their ballots at special polling stations, often at their country's embassies, or by post.

Absentee voting can enhance participation by providing all eligible citizens with opportunities to vote. However, as absentee voting often takes place

95 CRPD, Art. 29(a)(iii)

outside a controlled voting environment and without the presence of observers, there is increased scope for fraudulent practices. Some voters who participate in special voting procedures, such as soldiers or persons with illnesses, can be particularly vulnerable to pressure from persons in authority.

Further concerns may arise relating to the security and integrity of ballots cast outside of a controlled environment and appropriate safeguards should be put in place to ensure the secrecy and integrity of absentee ballots.

International standards	Examples of good practice
Right to a Secret Ballot[96] - States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with article 25 of the Covenant.	- Where there is mobile voting, this is limited to the homebound and hospitalised. Observers and party/candidate representatives are allowed to accompany the mobile ballot box. - Where postal voting is permitted, there are safeguards in place to ensure the secrecy of the ballot (*e.g.*, a double envelope). Postal ballots are distributed in sufficient time to ensure they can be returned by election day. - Where there is early voting, special measures are in place to ensure the security of ballot boxes. Observers and party/candidate representatives are permitted to observe.

Issues to be considered by the EU EOM

- Do special voting procedures provide appropriate safeguards to protect the electoral rights of specific groups of absentee voters?
- Is there any evidence of irregularities related to the implementation of the special voting procedures?
- Is there public awareness and confidence in the special voting procedures?
- Are observers and party/candidate representatives able to observe all aspects of special voting procedures?
- What arrangements are there for the counting and aggregation of ballots cast by special voting procedures, including to protect secrecy?

4.13.4 Closing of polling and counting of votes

Closing and counting procedures should be established in law and provide safeguards that guarantee a transparent, prompt and accurate count. The closing of polling and counting of votes should be conducted only by authorised officials and should follow procedures specified in the law and regulations. Counting officials record all data using standard forms, often re-

96 UN Human Rights Committee, General Comment No. 25, para. 20

ferred to as the *results protocol*. All stages of the closing and counting process should take place in the presence and in full view of party/candidate representatives, as well as citizen and international observers if they are present. Counting should not take place in an atmosphere of intimidation.

The time for closing the poll should be fixed and any decision to extend voting hours should be based on objective criteria applied in a consistent manner. All persons who are waiting in line at the close of voting should be allowed to cast their ballot. Procedures for closing should include immediately sealing the ballot box and securing the unused ballot papers. Reconciliation is then undertaken by counting the number of voters on the voter list who received ballot papers and the number of unused ballot papers, as well as any spoilt and returned ballots. The sealed ballot box should not be opened before these steps are completed.

The counting of votes should take place promptly after the closing of the poll in order to minimise opportunities for interference with the ballots. Counting may take place at the polling station or at a district or regional counting centre, following transfer of the sealed ballot box. At a district or regional counting centre, results may be counted by polling station or mixed. The counting of ballot papers at polling stations can have the benefit of enhancing transparency and accountability. However, a counting centre can create a more controlled environment for counting and, through the mixing of ballot papers from different polling stations, can address any concern that retribution may be taken against voters where the results of individual polling stations are known. If the ballot box is transferred to a counting centre, it is crucial that it is supervised and accounted for at every stage. Party or candidate representatives and observers should be able to accompany the ballot box while in transit.

After the opening of the sealed ballot box, the total number of ballots inside should be counted and reconciled with the number of ballot papers that were issued to voters. The number of ballots inside the ballot box should not be more than the number of voters who cast their ballot.

As they are counted, ballot papers should be available for inspection by those present. All ballots that indicate the intended choice of the voter should be considered as valid, provided they contain no marks that could indicate who cast the ballot. Where there are discrepancies, the result is close, or the number of invalid votes is significant, an immediate recount may be decided. The results of the count should be recorded in the official results protocol and copies of the protocol should be provided to all party/candidate representatives and observers. An official copy of the results should be posted at the polling station as soon as the counting is completed. Following the count, all polling materials should be secured and transported in an appropriate manner. There should be opportunities to seek a remedy in the event of objections against decisions or activities of the counting officials.

International standards	Examples of good practice
Free Expression of the Will of the Electorate - Votes should be counted honestly and accurately. **Genuine Elections**[97] - Votes should be counted in the presence of the candidates or their representatives. - There should be independent scrutiny of the counting process so that electors have confidence in the security of the ballot and the counting of the votes.	- All ballot papers that show the clear intention of the voter are considered valid. - Ballot papers that reveal the identity of the voter are considered invalid. - The counting process begins immediately after the end of voting. - Precautions are taken to prevent interference with marked ballots. Party/candidate representatives and observers are able to observe all stages of the counting process. - Party/candidate representatives and observers are issued with a copy of the results protocol. - The results protocol is posted outside of the polling station or counting centerimmediately following the vote count.

Issues to be considered by the EU EOM

- Are the procedures for the closing of polls and counting of votes established in law, and do they provide transparent safeguards to protect the integrity of the process and accuracy of the results?
- Are the closing, reconciliation and counting procedures properly followed? Do counting officials act in an impartial manner and in accordance with the law?
- Is the counting of votes and recording of results honest and accurate?
- Are party/candidate representatives and citizen and international observers able to observe all aspects of the counting process?
- Are party/candidate representatives and observers issued with a copy of the results protocol?
- Are results publicly posted immediately at the polling station or counting centre upon the completion of the count?

4.13.5 Electronic voting

Electronic voting (also known as *e-voting*) and other new election technologies are becoming increasingly common around the world. The introduction of these technologies brings both benefits and challenges. New voting technologies can enhance voter participation, including through absentee voting, as well as provide faster counting that is less prone to human error. At the same time, the use of e-voting may impact negatively on public confidence in the process, as many of the transparency safeguards that come with paper ballots are absent, and accountability of election officials is more difficult to ensure.

97 UN Human Rights Committee, General Comment No. 25, para. 20

New technologies also raise security concerns that must be addressed, to prevent the possibility of internal or external manipulation. In addition, e-voting can raise concerns as to whether an individual's vote can be traced. E-voting systems linked to the Internet or other computer networks may be susceptible to hacking or outside manipulation.

As such, e-voting is generally considered more applicable in countries with high levels of public confidence in the integrity of the voting, counting and tabulation processes. In countries where public confidence in the electoral process is low, e-voting may further diminish trust. Public confidence in the use of e-voting is enhanced where there has been an inclusive decision-making process to adopt the technology, and transparency by the authorities in the selection, certification and testing of the equipment used.

Most commonly used technologies include:

- Voting: the Direct Recording Electronic (DRE) voting machine allows a voter to indicate his/her choice, for example on a touch-screen, records the choice electronically, and tallies the results automatically.
- Counting: the Optical Mark Recognition (OMR) scans marked ballot papers and tallies results.

E-voting equipment should be easy to use, and voters should be able to confirm their choice before it is recorded. Both software and hardware should include the best possible safeguards against any form of manipulation or hacking. Verifiability mechanisms must also be established, in particular paper audit trails for DREs that allow for recounting of votes and random manual audits. Election officials and voters must be trained to use the new technologies.

Voting and counting with DRE and OMR machines typically take place in the controlled environment of a polling station, where accountability measures and safeguards can be properly implemented. However, new voting technologies such as internet voting, which typically takes place in an uncontrolled environment, raises increased concerns about security and transparency as well as secrecy of the vote, which must be addressed.

Information and communication technologies may also be used to transfer results from polling stations and tabulate results data among the different levels of the EMB. Equipment used should allow for the possibility of verifying results at each level of the tabulation process.

The use of e-voting equipment and other technologies, including software operating under confidentiality agreements, reduces the transparency of an electoral process and limits opportunities for independent observation by

party/candidate representatives and observers. Observation of e-voting can be challenging as it requires specialist expertise, and is generally less readily accessible to scrutiny. At the same time, there are a number of aspects of new voting technologies that can be effectively observed.

The international standards for assessing elections using traditional ballot papers apply equally to e-voting and other new election technologies. Thus, all eligible voters should have the right to vote, the secrecy of the ballot should be guaranteed, and results tallied by electronic equipment should accurately reflect voter intention. At the same time, there is acknowledgement within the international community that further standards and best practices should be agreed to meet the specific challenges presented by these technologies (see below: useful readings).

Assessing new voting technologies

While an EU EOM is generally not in a position to undertake a full verification of the technical aspects of an e-voting system, such as software applications, source code and security systems, there are still many aspects of the process that can and should be observed. In some cases a designated e-voting expert may be deployed as part of the core team, but otherwise the election analyst typically acts as the focal point for ensuring that new technologies are properly assessed by the mission.

The legal analyst also has an important role in assessing the legal framework, as new technologies require adjustments to the existing legal framework for elections that must be in compliance with the constitution and take international obligations into account. LTOs and STOs assess the practical implementation of the e-voting system at the local level and need clear training and guidance on what issues to investigate and how. A key question for the EU EOM to consider is the degree to which the new election technologies and the processes surrounding them provide for transparency.

E-voting systems and other new election technologies vary considerably depending on design, level of access and political context, so each mission must establish for itself the parameters and priorities for its observation of new election technologies. In line with the Declaration of Principles, an EU EOM should make clear in its statements and reports the extent to which it was or was not able to assess these important aspects of the electoral process.

International standards	Examples of good practice
The same standards apply for elections conducted using new voting technologies	- E-voting is introduced with the broad consensus of electoral stakeholders. - There is public confidence in the use of e-voting. - E-voting equipment is simple to use and accessible for all voters. - Electronic voting machines provide an auditable paper trail to verify results. - It is not possible to trace a ballot to the voter.

International standards	Examples of good practice
	- The means of e-voting allows for observation of the process by party/candidate representatives or observers. - Random manual audits of the results are conducted by election officials using the auditable paper trail. - E-voting equipment is certified and tested prior to its use, by an independent body. - Security measures ensure that data cannot be lost or manipulated, and only authorised persons have access. - An independent audit of the software is foreseen in the law.

Issues to be considered by the EU EOM

- Is there broad confidence of the public and electoral stakeholders in e-voting?
- Does the e-voting system used facilitate an election that is in accordance with international obligations, including emerging standards for electronic voting and counting technologies?
- Does the legal framework provide a sufficient basis for the implementation of the new election technology, and does it include transparency and audit mechanisms?
- Has the e-voting system been certified and tested? What are the legal requirements?
- Is the source code open-source and if not, is it available for review by an independent body?
- Does the e-voting system used provide an auditable paper trail to verify the voting results?
- Are there suitable safeguards against manipulation or interference in the e-voting process?
- Does the use of e-voting equipment allow for effective and credible observation to take place?
- Is there suitable voter education on the use of electronic equipment?
- Are election officials satisfactorily trained, and is sufficient technical assistance available?
- What is the role of technology vendors in the election process and how is this role regulated?
- To what degree are electoral authorities dependent on the vendor(s) for operating and maintaining the e-voting system?

USEFUL READINGS, AMONG OTHERS:

OSCE/ODIHR, *Handbook for the Observation of New Voting Technologies,* 2013;

The Carter Center, *Handbook on observing electronic voting*, 2nd ed., 2012

IFES/NDI, *Implementing and Overseeing Electronic Voting and Counting Technologies,* 2014;

Council of Europe's 2004 Recommendation on *Legal, Operational and Technical Standards for E-voting*, Recommendation Rec(2004)11 adopted by the Committee of Ministers of the Council of Europe on 30 September 2004;

International IDEA, *Introducing Electronic Voting, Essential Considerations*, Policy Paper, December 2011.

4.14 Tabulation, publication of results, and post-election environment

An election process culminates in the announcement and implementation of the final results. This is likely to be the responsibility of the EMB, which should ensure that the procedures for the tabulation and publication of results are clearly established in advance of election day. Good practice has shown that confidence in the credibility and accuracy of election results is greatly enhanced where the process is undertaken in a fully transparent and prompt manner. In particular, the EMB should ensure that:

- detailed results are published at every stage of the aggregation and tabulation process as soon as they are available, indicating how many votes have been won by each candidate or political party and the number of invalid votes;
- results are published in full, including a breakdown of results by individual polling station/counting centre, as well as regional constituencies, to allow for cross-checking of results;
- the results process is fully accessible to candidates, political parties, their representatives, citizen and international observers and the media.

The EMB should be able to show the connection between the votes cast and the results of the election and is expected to account for any discrepancies in the published results. An EU EOM reports on any discrepancies that it observes in the results process.

Partial results may be announced during the course of the tabulation process. If released, they should always be clearly referred to as representing only a proportion of the votes cast. An EMB will be expected to announce *preliminary results* as soon as the tabulation of results is completed at a regional or countrywide level. There may be a deadline for the announcement of preliminary results.

Final results should be declared after the deadline for the submission of any challenges to the preliminary results has passed. In some instances, the outcome of the results is implemented even when there are challenges that remain outstanding. In other countries, the declaration of final results is made only after such challenges have been resolved. Many countries have a two-stage process for some elected positions, under which a second round of voting may be held if no candidate receives the required number of votes in the first round.

Candidates and political parties have the right to challenge the validity of election results. Procedures should be established to allow challenges to be made within an appropriate timeframe to an independent body, such as a court. Challenges should be dealt with impartially, and decisions should be based on the available evidence and made without political consideration. Where results have been successfully challenged, for example because of proven violations of voting procedures, voting should be repeated in the

polling stations affected within a suitable timeframe. However, repeat polling may not be required if the total number of registered voters in the polling station(s) is of an insufficient number to change the allocation of a mandate.

Successful candidates should be installed in office and allowed to take up the authority of their position without undue delay. They are entitled to stay in office for the valid term of the mandate, and no attempts should be made to disqualify or remove them from elected office, except using grounds provided for in law and which meet international standards.

If there is a second round election, an EU EOM remains in the country to assess the critical period between the two rounds as well as the second round election and final tabulation of results.

Post-election developments

The immediate post-election period, as results are finalised and announced to the contestants and the public, is sensitive in any election. While in some circumstances the results announcement may only confirm what is already known through partial results, parallel vote tabulations, internal polling or exit polls, in other circumstances the announcement may be the first indication to the losing party or candidate and its supporters that they have lost the election. It is critical that the losing party or candidate accept the election results, or if not, that they use official mechanisms for challenging the results, and in either case they should publicly communicate this to their supporters. Any public protests or demonstrations should be peacefully conducted.

In a tense post-election environment, failure of losing parties to swiftly and publicly recognise the results may contribute to a volatile situation that could include acts of retribution and violence. In such situations, political parties and candidates have a responsibility to calm tensions and encourage their supporters to act peacefully and responsibly. Media also have a responsibility not to incite violence and to encourage a peaceful response to election results.

Assessing post-election developments

In a close contest or if there are many challenges or recounts, the final announcement of results may take a considerable amount of time. In such a situation, the EU EOM may extend its stay or that of certain core team members and LTOs in order to accompany fully the election process. An unexpected delay in the announcement of official results may lead to political tensions and EU observers may identify any indications of such tensions among electoral stakeholders. In such circumstances the EU EOM may play an important role in promoting transparency and encouraging a peaceful post-election environment.

EU observers endeavour to document any cases of violence, harassment or intimidation after elections, including acts of political retribution. They also observe any political demonstrations or protests, security allowing. Any findings in the post-election process should be included in the final report, or as necessary, post-election interim reports to update the findings in the preliminary statement may be issued.

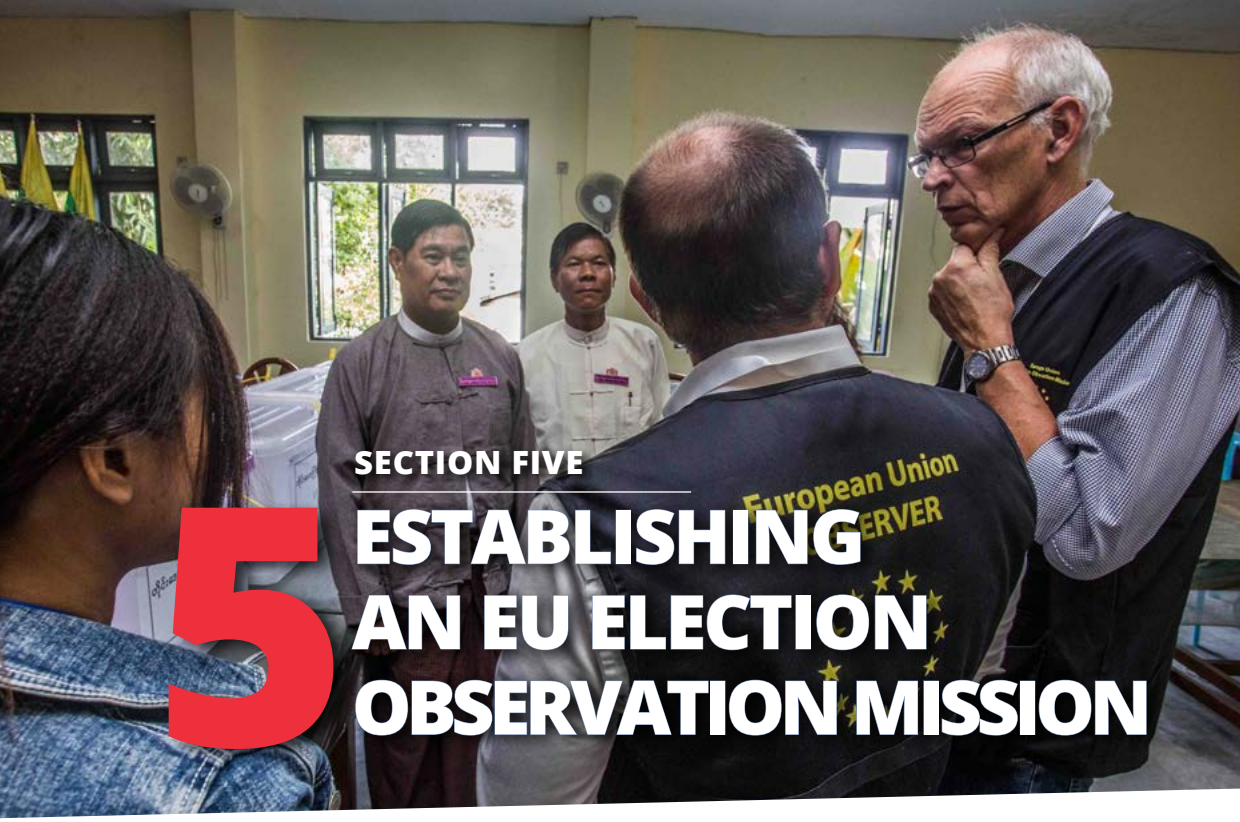
International standards	Examples of good practice
Genuine elections[98] - There should be independent scrutiny of the results process and access to judicial review or other equivalent process so that electors have confidence that the results reflect the votes cast and the counting of the votes. **Free Expression of Will**[99] - The results of genuine elections should be respected and implemented. - The grounds for the removal of elected office holders should be established by law based on objective and reasonable criteria and incorporating fair procedures.	- Election officials ensure that the results of the counting of votes are aggregated, recorded and transmitted accurately. - All votes are counted and results aggregated promptly. - Detailed results data is provided to candidates or their representatives, observers, the media and the general public. - Detailed results, broken down to the polling station level (or counting centre where this is the lowest level), are swiftly and publicly displayed at all levels of the EMB as well as on the Internet. - In determining proportions of votes cast, the proportion is calculated from the number of valid votes only. - Procedures allow for election results to be challenged in an effective and timely manner. - Courts make rulings on challenges before the final results are certified. - Defeated parties and candidates call on supporters to respect the process and refrain from inciting violence.

Issues to be considered by the EU EOM

- Are the procedures for tabulating and publishing results clearly established in advance of the election?
- Is the results process undertaken in a prompt and fully transparent manner? Can the process be fully observed by party/candidate representatives and by citizen or international observers?
- Are results published within stipulated timeframes and using appropriate procedures? Are the results announced and published promptly in the media and on the Internet? Are the results publicly posted at every level of the election administration?
- Does each level of results aggregation include a breakdown of results by polling station or counting centre, to enable an independent audit to be conducted?
- Are there any discrepancies between the counted votes and the published results? Can the EMB account for them?
- Are candidates and political parties able to challenge the validity of election results to a court? Are challenges dealt with in an impartial manner and decided upon based on available evidence and without political consideration?
- Is a second round election possible, and if so, what are the legal procedures for its conduct?
- Where results are found to be invalid, under what circumstances are repeat elections held?
- Are elected candidates installed in office?
- Is there any post-election day violence and/or intimidation or fear of this taking place?
- Is there acceptance by election stakeholders of the conduct and results of the election?

98 UN Human Rights Committee, General Comment No. 25, para. 20

99 UN Human Rights Committee, General Comment No. 25, para. 16, 19



SECTION FIVE

5 ESTABLISHING AN EU ELECTION OBSERVATION MISSION

5.1 Deciding whether to observe an election

The decision on whether or not to deploy an EU EOM is made by the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, on the basis of the recommendations of an Exploratory Mission led by the European External Action Service. A decision to deploy an EU EOM does not mean that the EU deems an election process to be either problematic or credible. Likewise, a decision not to deploy an EU EOM does not mean that a prior judgement on the electoral process has been made or that the EU has no interest in the conduct of the election.

5.1.1 Identification of priority countries

The first stage of the decision process is the identification of potential countries for election observation. A rolling calendar of upcoming elections is maintained by the EEAS.

The EEAS Democracy and Election Division liaises with geographical departments in the EEAS to identify priority countries for possible deployment of EU Election Observation Missions in the year to come and to review the list of priorities for the current year, according to the assessed added value, political priorities and budgetary availability. The

EEAS shares its priority proposals with Member States in the Political and Security Committee (PSC) of the EU Council, and with the European Parliament for consultation. The HR/VP decides on the final list of priorities. In case of snap elections, the HR/VP decides whether to deploy an EOM through an *ad hoc* procedure involving EU Member States and the European Parliament.

In most instances, the EU has chosen to prioritise countries holding presidential or parliamentary elections, although countries holding local elections and referendums can also be prioritised, especially when these election events are part of a post-conflict peace initiative, or are considered to be particularly important for a country's democratic development. Local elections and referendums may also be followed if they coincide with another election that is being observed by an EU EOM. Countries are categorised as 'priority' based on a range of factors, which include:

- a constructive engagement through an EU EOM could result in an improved election, for example, by increasing voter confidence in the process;
- the deployment of an EU EOM would complement and enhance EU democratisation and/or crisis management and peace-building initiatives in the country;
- an invitation has been received by the country organising the elections;
- the presence of an EU EOM would demonstrate EU support for an important political process or democratic transition.

The selection of priority countries is also necessary to make best use of the human and financial resources available for observation missions. EU EOMs are financed from the European Instrument for Democracy and Human Rights (EIDHR), a funding mechanism aimed at supporting democracy and human rights globally. Most importantly, EIDHR-funded projects are managed independently from the authorities of the host country.

5.1.2 The Exploratory Mission

Once a country is identified as a priority, the second stage in the process is the deployment of an exploratory mission (ExM) to advise whether deployment of an EU EOM would be useful, feasible and advisable. The exploratory mission is deployed once a formal invitation to observe is extended, or when an invitation is anticipated and there is a clear commitment from the authorities to facilitate the work of the exploratory mission. Questions considered by the exploratory mission include:

Useful?	- Would the presence of an EU EOM be a constructive contribution to the electoral process? - Would the presence of an EU EOM contribute to deterring fraud and election-related violence? - Would the presence of an EU EOM support the role of civil society in the electoral process? - Would the presence of an EU EOM contribute to stakeholder confidence to participate in the electoral process?
Feasible?	- Can suitable logistical arrangements be made to enable an EU EOM to conduct credible election observation? - Do security conditions provide for the safe deployment of EU observers? Can acceptable security arrangements be put in place? - Is it likely that the EU will receive a written invitation to observe from the host country's authorities? - Is it likely that the State and electoral authorities would each agree to sign a separate Memorandum of Understanding (MoU) with the European Commission in advance of deployment?
Advisable?	- Does a preliminary assessment (of the electoral framework, the pre-election preparations, the political atmosphere and the wider democratic environment) indicate the possibility of a credible election process? - Do minimum conditions for effective and credible election observation exist (see below: 5.1.3 Minimum conditions for effective and credible election observation)? - Can an EU EOM be deployed without taking any unnecessary risks and while maintaining a duty of care to EU observers? - Is there interest and support from election stakeholders, including the host authorities, political parties and civil society, as well as EU Member States and the wider international community, in the deployment of an EU EOM? - Is it likely that final report recommendations produced by an EU EOM will be considered and implemented before the next election?

The exploratory mission is normally conducted between six and four months in advance of the scheduled election date, and usually lasts for around 10 days. It is usually composed of six individuals: two EEAS staff (a member of the election team who leads the mission and the geographical desk), one FPI staff member (project manager of the mission in charge of security, logistics and budgetary aspects), and three external experts in elections, security and logistics. In order to gather information and identify issues that may affect the election process, members of the exploratory mission meet with a wide range of interlocutors, including the State and electoral authorities, election stakeholders (political actors, civil society, media) and representatives of EU Member States and the international community. The assessment of the election framework and political environment by the exploratory mission follows the methodology detailed in Section Four.

As part of its duties, the exploratory mission also meets with relevant interlocutors (including government agencies, security advisers, health specialists, international organisations and communication and transport providers) to identify whether there are suitable logistical and security conditions for the deployment of an EU EOM. In addition, the exploratory mission prepares an indicative budget and terms of reference for the prospective EU EOM.

The EU Delegation plays a crucial role. Ahead of the exploratory mission, it informs the authorities of the host country about the arrival of the ExM, prepares the exploratory mission's agenda of meetings in coordination with the EEAS and FPI, and whenever possible is encouraged to attend the meetings of the exploratory mission with national stakeholders.

The exploratory mission reports its findings to the EU institutions and makes a recommendation as to whether the deployment of an EU EOM would be useful, feasible and advisable. The report provides an assessment of the election framework and environment, and considers preparations that have been undertaken to date. The report should highlight any issues that would deserve particular attention by the prospective EU EOM. It outlines the scope and scale of a prospective EU EOM, including the size of the core team, number of observers, deployment timing, accreditation procedures and logistical requirements. The report also provides an initial security risk assessment, proposes security measures and assesses whether or not minimum conditions for credible election observation are present. The report and its recommendation are sent to the HR/VP, who decides whether an EU EOM should be deployed. The exploratory mission report is then shared with the Member States and the European Parliament.

5.1.3 Minimum conditions for effective and credible election observation

An EU EOM requires certain minimum conditions to allow it to undertake effective and credible election observation.[1] These conditions are generally contained in the Memorandums of Understanding (MoU) signed with the host country authorities. Conditions include:

- the host country's authorities have issued a written invitation sufficiently in advance of the election to allow an exploratory mission to take place and to make possible the deployment of an EOM;
- EU observers will be guaranteed unimpeded access to all stages of the electoral process and will have full access to electoral information in a timely manner;

1 Council Decision 9262/98

- EU observers will be guaranteed unimpeded access to all persons concerned with the electoral process, including:
  - electoral officials at all levels,
  - State workers, including security officials, whose functions are relevant to the organisation of elections,
  - all political parties and individuals that have sought to compete in the elections (including those that were disqualified, withdrew or abstained),
  - civil society representatives,
  - media, and
  - any other organisations and individuals that have a role to play in the election process;
- EU observers will be guaranteed freedom of movement around the country;
- EU observers and EU EOM national staff will be provided with accreditation in a timely manner;
- the host authorities will not interfere in EU decisions relating to the size of the EU EOM, selection of EU observers and national staff, or timeframe of deployment;
- government, security or electoral authorities will not interfere in the activities of the EU EOM;
- there are guarantees that the host country will facilitate customs clearance procedures for observer equipment in a timely manner;
- the security situation is sufficiently stable for EU observers to be deployed and, if required, acceptable security arrangements can be put in place by the state and regional authorities;
- the EU EOM will be guaranteed the freedom to issue, without interference, its public statements and reports on its assessment of the election process; and
- there are guarantees that the State or electoral authorities will not pressure, threaten action against or make any reprisal against any national or foreign citizen who works for, assists or provides information to the EU EOM.

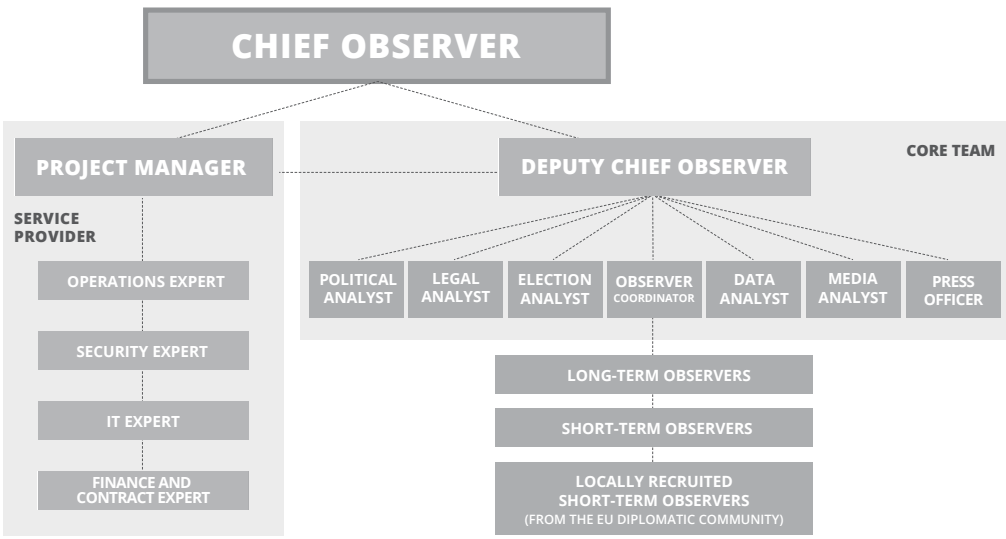
The absence of any of these conditions may lead to an EU EOM not being deployed. A mission can be withdrawn after deployment if problems with these conditions arise or if a mission is no longer considered useful, feasible and advisable.

5.2 Mission formats

5.2.1 Structure of an EU EOM

The structure and size of an EU EOM is based on the recommendation of the exploratory mission, which proposes an appropriate number of core team, LTO and STO positions, in relation to the geographical size of the country, political significance or technical complexity of the election process and established criteria for determining field deployment.

EU EOMs generally include the following:



In some cases, the core team may include additional thematic experts , and in larger missions, the core team may be strengthened by deputy analysts and coordinators.

5.2.2 Other formats: Election Expert Missions and Election Assessment Teams

In cases when conditions for deploying a full-fledged EU EOM cannot be met, but it is nevertheless deemed useful to closely follow an election process, the EU may decide to deploy an Election Expert Mission (EEM) or an Election Assessment Team (EAT).

- An EEM usually consists of two to four experts including a team leader, an electoral/legal expert, a human rights and gender expert and occasionally a media expert, deployed several weeks prior to an election. EEM members meet with a broad range of election stakeholders and use the same basis for assessment of the election process, detailed in Section Four, but do not conduct standard election day observation. EEMs do not have media visibility.

- An EAT usually consists of a full core team of experts based in the capital, but does not include LTOs or STOs and does not conduct standard election day observation. An EAT may nevertheless deploy, if conditions allow, a limited number of regional analysts to follow the process outside the capital. The work of the EAT is also supported by a service provider (SP) team on the ground. An EAT may be headed in some cases by a Chief Observer (CO). It is usually deployed in circumstances where security constraints are deemed to prevent the deployment of a high number of observers across the country.

5.3 Planning and preparation for an Election Observation Mission

5.3.1 Memorandums of Understanding

Following a decision to deploy an EU EOM, the EU Delegation in country on behalf of the EU seeks to sign Memorandums of Understanding with the government and electoral authorities of the host country (see *3.6 Cooperation with the host country*). The memorandums set out the role and responsibilities of the EU EOM and EU observers and the corresponding role and responsibilities of the host country authorities. Separate memorandums are agreed between the EU and the Ministry of Foreign Affairs of the host country and the election management body. An EU EOM is unlikely to be deployed before the MoUs are signed. If it is necessary for the conduct of the mission, MoUs may also be negotiated with other national, regional or international actors.

5.3.2 Terms of Reference

Based on the report of the exploratory mission, the EEAS and FPI prepare a set of terms of reference that provide the basis for the structure of the EU EOM:

- Terms of reference for core team experts and for observers, and a call for the Deputy Chief Observer (DCO) position;

- Terms of reference for the service provider detailing the timeframe of the mission, provisional deployment plans, the composition and tasks of the EU EOM core team, the number of observers and the budget. A selection process for a service provider is launched and the contracted SP provides the administrative, logistical and security services that are required to ensure the implementation of the EU EOM. For details on the SP terms of reference, see 5.4.1 *The role of the service provider*.

5.3.3 Appointment of a Chief Observer

After consulting the European Parliament, as foreseen in the Declaration on Political Accountability[2], the HR/VP appoints a Chief Observer to lead the EU EOM. The CO is, in principle, a Member of the European Parliament. Before, during and after the mission, there is regular communication between the HR/VP and his/her services, and the CO.

5.3.4 DCO and core team selection

Candidates for DCO and core team positions apply directly to the FPI after publication of the terms of reference and core team notice on the dedicated website.[3] In order to be considered for selection for an EU EOM, candidates must be registered in the EU Election Observer Roster.[4]

The DCO is contracted as a Special Advisor directly by the FPI. A selection committee composed of two members from the FPI and one from the EEAS pre-selects three candidates and propose them to the FPI Director/Head of Service in a ranking order. Further to a consultation of the EEAS, the FPI Director/Head of Service decides upon the final appointment.

A selection committee composed of FPI and EEAS staff selects the core team experts[5], taking into account general criteria defined in Council Decision 8728/99[6]. All EU EOM selection procedures should ensure, as much as possible, a gender and nationality balance. Efforts are also made to ensure a balance of experience levels, so that newcomers are also provided with opportunities.

5.3.5 Selection of observers

For short and long-term observers, a notification and terms of reference are sent to the focal points for election observation in the EU Member States. These focal points are responsible for the pre-selection of their nationals. The established short list is provided to the FPI, which organises a selection committee composed of FPI and EEAS staff which makes the final selection ensuring, as much as possible, a gender and nationality balance. Efforts are also made to ensure a balance of experience levels, so that newcomers are also provided with opportunities.

2 OJ C 2010 of 3 August 2010 p.1

3 http://ec.europa.eu/dgs/fpi/announcements/jobs_en.htm

4 The roster is found at http://eeas.europa.eu/eueom/become-an-observer/election-roster/.

5 The core team experts are treated as experts defined in Art. 204 of the Financial Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012).

6 Council Decision 8728/99 – PESC 165 – COHOM 4, 28.5.1999

5.3.6 Common criteria for EU observer and core team member selection

Observers participating in EU EOMs are expected to fulfil the following criteria: [7]

- previous experience as an election observer and/or relevant experience or specific training (at national or international level);
- professional capacity in mission working languages (English, French, Portuguese or Spanish);
- interpersonal skills (capacity for balanced judgement, ability to work in teams, ability to cope with difficult situations, respect for local attitudes and customs, good communication skills, readiness to work in a multicultural environment);
- ability to maintain professional independence and strict impartiality in the conduct of duties in the host country;
- ability to work with computers, internet and technological equipment (including satellite phones, radios, etc.);
- commitment to the support of democratic governance and human rights;
- EU Member State or partner country (Norway, Switzerland and Canada) citizenship.

The following additional criteria are taken into account when selecting LTOs and core team members:

- familiarity and experience with electoral laws and procedures (including experience with administrative and legislative procedures for elections), preferably in different electoral traditions;
- knowledge of human rights and democratisation issues;
- basic knowledge of EU institutions;
- analytical and drafting skills;
- participation in and successful completion of training courses;
- appraisal(s) of the observer from previous missions and training courses included on the roster;
- experience of training, co-ordination and people management where relevant for management positions.

Specific requirements for a particular EOM may include:

- knowledge of the host country or region and/or the political situation;

7 These draw on EU Guidelines on Common Criteria for the Selection of Election Observers (Council Decision 8728/99) (EC Communication on Election Assistance and Observation Annex IV).

- knowledge of relevant languages in the host country;
- experience of challenging working and living conditions;
- good physical condition;
- previous security training and experience of difficult security environments.

The working language of an EU EOM will be decided by the exploratory mission, and could be English, French, Portuguese or Spanish, depending on the particular circumstances of the country where elections are observed. All members of the EU EOM will need to be able to communicate professionally in the working language of the mission. Core team members will also need to be fluent in English and/or French and/or Spanish as these are the languages in which EU EOM reports are produced.

5.3.7 Criteria for the deployment of observers

Five main criteria are used to determine the locations for the field deployment of LTOs and STOs:

- Balanced geographical coverage: observer teams are deployed in a way that provides a balanced coverage of the country given the number of teams being deployed.
- Population centres: major urban centres of the country are covered. There is also a balance between urban and rural areas.
- Areas of specific relevance: this may include post-conflict, minority and internally displaced people (IDP) areas or other political hot spots.
- Logistical restrictions: observer teams may not be deployed to certain regions if there are logistical problems, such as poor transport and communication infrastructure and unsuitable accommodation.
- Security restrictions: observer teams are not deployed to areas where there are significant security risks or where security risks cannot be reasonably managed.

5.4 Deploying an EU Election Observation Mission

5.4.1 The role of the service provider

Logistical, security and administrative support for an EU EOM is provided by a service provider. This role can be assigned to a non-governmental organisation, a private company or an international agency that manages operational aspects of the mission on request of the FPI and is responsible for

the administrative and financial implementation of an EU EOM. The SPs are contracted through a framework contract managed by the FPI.

The role of the SP is critical, especially given the tight timetable of an EU EOM. In the host country, it is represented by a project manager, an operations expert, a security expert and a team of support staff, including IT and finance specialists. The SP is also responsible for ensuring the security of all mission members, notably by carrying out a security assessment, devising a security plan and sending daily instructions to mission members.

The service provider does not have any public profile and visibility in the host country and does not interfere with decision-making issues related to the assessment of and statements about the election process. When logistical, administrative and security decisions have a political dimension or impact, they are taken after duly consulting the CO (or in his/her absence the DCO) and the FPI and EEAS in Brussels.

5.4.2 Mission opening, start-up and closure

After an initial briefing with the European Commission in Brussels, the SP typically arrives in-country one to two weeks ahead of the arrival of the core team to arrange suitable office space for the EU EOM headquarters, allowing the work of the EU EOM to start immediately. The EU EOM headquarters should be in a convenient location, which is secure and does not have any political connotation. The SP also identifies possible accommodation and local transport for the core team, and arranges accreditation for all EU observers with the relevant bodies.

The SP is also in charge of identifying CVs of suitable national support staff. The number of positions for national staff is identified in the terms of reference, based on the recommendation of the exploratory mission. Their contracts should include a clause on confidentiality and absence of conflicts of interest.

Following a briefing in Brussels by EEAS and European Commission staff, the CO and core team are deployed. Upon arrival, they hold introductory meetings with host country officials and the EU Delegation. A press conference is organised to announce the opening of the EU EOM. The core team begins to meet with key interlocutors and prepares the briefing for LTOs, who typically arrive one week later.

LTOs attend a briefing by the core team and SP experts after their arrival and are then immediately deployed in teams of two to their areas of responsibility (AoR). LTOs conduct observation of the pre-election environment and make preparations for the arrival of STOs in their AoRs.

STOs typically arrive in the host country seven days prior to election day. They are briefed in the capital by the core team and SP and are then deployed to regions in pairs. They are briefed by their LTO team about the situation in their region, familiarise themselves with the local circumstances and observe voting, counting and tabulation on election day. Following election day observation, STOs attend a local debriefing with their LTOs on their findings and then return to the capital.

Two days after election day, the EU EOM releases its preliminary statement at a press conference. STOs are debriefed and sent back to their home countries in Europe. LTOs continue to observe post-election developments in their AoRs, then travel to the capital for a debriefing before returning to their home countries approximately two weeks after election day.

The EU EOM usually closes some three weeks after election day, unless there is a delay, for example, in the publication of final results or in the resolution of complaints and appeals. Points of concern in the post-election period, such as violence and intimidation, may result in some of the core team and a selection of LTOs remaining in-country for an extended period of time. Where a series of elections takes place over a short period of time, the EU EOM may remain in-country for the duration.

Before closure of an EU EOM, the CO and the DCO undertake a series of farewell meetings with key interlocutors. A final debriefing is provided to EU Member States Heads of Mission. The DCO and the SP project manager are responsible for full archiving of reports and other work produced by the EU EOM. Following their return to Europe, the SP and the core team are debriefed in Brussels by the relevant EU services.

The final report is usually issued within two months of the completion of the process and is released during a return visit to the host country of the CO, DCO and whenever possible another core team member (see below: 5.7.1 *Media relations*).

5.4.3 Overview of EU EOM programming timetable

The following table presents an indicative schedule of election observation activities from preparation to follow-up. The schedule is based on a single round election, but it is possible for the deployment period to be extended where there are more rounds, or if extended coverage is required by post-election developments such as electoral appeals. This timetable may need to be adjusted according to circumstances, for example, when elections are called at short notice.

Preparatory stage	
12–6 months prior to election day (E-Day)	- Finalisation of the priority list
6–4 months prior to E-Day	- Exploratory mission - Decision on deployment - Chief Observer appointed
2½ months prior to E-Day	- Service provider contracted - Recruitment of mission members - Observers selected - Memorandums of Understanding signed
Deployment stage	
8-6 weeks prior to E-Day	- Announcement of EU EOM deployment by the HR/VP - Deployment of the service provider team - Chief Observer and core team arrive in country - Opening press conference
5 weeks prior to E-Day	- Long-term observers arrive - Observation of pre-election day environment
7 days prior to E-Day	- Short-term observers arrive
3 days prior to E-Day	- An Election Observation Delegation from the European Parliament may be integrated in the EU EOM
Election day	- Observation of voting, counting and tabulation
1–3 days after E-Day	- Preliminary statement issued - Observation of the post-election environment
2 days after E-Day	- EP Election Observation Delegation returns to Europe
3–6 days after E-Day	- Debriefing of short-term observers and return home
10–15 days after E-Day	- Debriefing of long-term observers and return home
2–4 weeks after E-Day (or the publication of final results, whichever is later)	- Core team departs - Closedown of the mission
3–8 weeks after E-Day	- Debriefing of core team
Final report stage and follow-up	
Up to 2 months after completion of election process	- Final report is presented
3 months after conclusion of election process and onwards	- Follow-up activities

5.4.4 Appraisal of observers

All EU observers are appraised at the end of their work with the EU EOM, using criteria established by the European Commission. The appraisal system is intended to check the performance of observers and to keep a record of their professional performance and individual behaviour during an EU EOM in order to further facilitate and improve the selection process conducted by Member States and the European Commission. It should identify recommended observers, those who need more skills development, as well as those who are inappropriate for such mission work. Appraisals also provide feedback to observers and enable the European Commission to plan skills development activities. Criteria considered include:

- knowledge and understanding of elections and the role of an EU EOM;
- ability to collect and analyse information;
- ability to write and communicate clearly and in the mission working language(s);
- ability to work in a team, follow instructions and behave in an appropriate manner.

Evaluation modalities are specific to each observer category (STO, LTO and core team).

Core team appraisal

Core team analysts are appraised by the DCO, in consultation with the CO. The DCO is appraised by the CO directly.

LTO and STO appraisal

The DCO and the observer coordinator oversee the appraisal of LTOs and STOs, and this is then included in the Election Observer Roster:

- LTO performance is appraised by the observer coordinator in consultation with all members of the core team. The appraisal process is based on criteria established by the European Commission.
- STO performance is appraised by the observer coordinator, in consultation with the designated LTO team. The appraisal process is based on criteria established by the European Commission, which are provided to STOs and LTOs by the core team. In addition, STOs are provided with an opportunity to evaluate the role of their LTO team.

All observers have possibility to appeal against their evaluation[8] and are given the opportunity to evaluate all aspects of the mission, including core team and SP performance.

8 The detailed provisions on evaluation can be found in the Guidelines for EU EOM Observers Evaluation published on the EU EOMs website http://eeas.europa.eu/eueom.

5.5 Mission security

Security is the priority on all EU EOMs. The EU often observes elections in regions and countries where there may be an increased security risk. These can be due to conflict, terrorism, criminal activity, kidnapping, natural disasters and disease. Other risks include election-related violence and transportation dangers. An EU EOM may also face risk of theft of its property or illegal interference in its work. Maintaining a duty of care to observers is paramount and is a critical factor in the decision of the HR/VP on whether or not to deploy a mission. All EU observers have a responsibility for their personal safety and the safety of their colleagues.

While the duty of care for EU EOMs lies with the European Commission, the SP is responsible for day-to-day security aspects of every mission. These range from identifying suitable headquarters to checking vehicles, organising evacuation routes and liaising with the relevant stakeholders in the host country.

5.5.1 Risk assessment

An initial assessment of the risks is undertaken by the exploratory mission, which identifies the potential impact of security problems on observation activities and proposes mitigating measures. The EU EOM terms of reference establish a framework for the security of the mission that seeks to prevent, alleviate or manage risks, for example, through the provision of security equipment or protection.

An ongoing assessment of security risks is made by the EOM security expert in consultation with the European Commission. The security expert liaises with the EU Delegation in-country, the EU services in Brussels in charge of security, the national security agencies and relevant international actors in the country, such as the United Nations (including its Department of Safety and Security) and embassies of EU Member States to design appropriate security procedures. The security expert provides regular internal risk assessment reports to track developments, such as election-related violence, which may impact on the security of EU observers. For this reason, all EU observers are required to provide the security expert with regular security information relating to their area of responsibility.

5.5.2 Security planning and procedures

Based on the risk assessment, the security expert designs a security plan for the EU EOM, including security procedures and an evacuation plan. Furthermore, Standard Operating Procedures (SOPs) have been developed by the FPI, which establish a clear information chain for each of four levels of incident (low, medium, high and critical) and define roles and responsibilities.

The European Commission, as contracting authority responsible for the implementation of the operational aspects of EU EOMs, remains responsible for the operational management of the situation on the ground, notably via the contracted SP. Decisions on how to handle the operational aspects of an incident in-country will be made by the European Commission, in close consultation with the relevant actors, including the Chief Observer, the EEAS and under the ultimate authority of the HR/VP. The EU EOM security expert is also in charge of establishing routine security procedures covering matters such as communications, protection by security personnel, accommodation and transport. The security expert establishes a security operations room and a warden system to ensure daily coordination on security issues.

All EU observers are required to implement the security plan and procedures in their area of responsibility. All mission members are briefed and trained by the SP's security expert on security procedures upon their arrival. The SP's operations expert also contributes to the briefing on security, in particular about use of equipment. All mission members are required to report regularly on their security situation.

In cases where there is significant risk, the EU EOM may require the use of armed escorts or decide to limit its areas of coverage. Where the coverage by an EU EOM is restricted, this is stated in mission statements and reports. In cases of escalating risk towards EU observers, a partial or full evacuation may take place. Such crucial decisions would be made by the EU services in Brussels upon a proposal from the security expert, and after consultation with the CO and DCO.

5.5.3 Security responsibilities

The SP is contractually responsible for security matters in coordination with the core team, and in particular the DCO and CO. The FPI and EEAS are kept informed on security conditions and arrangements. Senior officials in FPI and EEAS are available continuously throughout the mission, and are fully consulted on all significant security related decisions. If at any time there is disagreement on a security issue, the matter is referred to senior officials in Brussels, to be resolved in consultation with all concerned.

The security expert advises the DCO and CO on security issues, including risk assessment and appropriate responses. The DCO advises the security expert on the impact of security risks on the political, methodological and operational aspects of the EU EOM. The security expert ensures that security requirements are accommodated in logistical planning and supervises the implementation of security procedures.

The Code of Conduct for EU Observers obliges all EU observers to strictly follow security instructions issued by the security expert. Guidelines and ad-

vice on personal security are developed for each EU EOM to reflect specific risks in the host country. It is the responsibility of all EU observers to follow these guidelines in order to minimise risk to themselves and their colleagues. Personal security requires common sense and precautionary behaviour. EU observers are required to act in an appropriate and discreet manner at all times, including when not working.

Prior to deployment, the SP informs EU observers of relevant medical issues in the host country and advance precautions that should be taken, including vaccinations. In addition, the SP provides medical kits, and makes arrangements for medical insurance and evacuation.

5.6 Relations with external actors

5.6.1 Relations with the host country

The EU EOM establishes working relations with the State authorities of the host country. Upon arrival, the CO holds introductory meetings with the Ministry of Foreign Affairs and the EMB, bodies with which the EU has agreed Memorandums of Understanding. At these meetings, the CO introduces the mandate and role of the EU EOM and establishes points of contact. Introductory meetings may also be held with the head of state, the head of government, other representatives of the state authorities and the speaker of parliament. Further introductory meetings are held with the main political parties, with key candidates and other election stakeholders. All introductory meetings are organised in advance of the arrival of the EU EOM by the EU Delegation, in consultation with the EEAS election team.

The EU EOM meets regularly with the EMB and other interlocutors, such as political parties, candidates, the judiciary, civil society and the media. In addition, further meetings are held with State authorities to discuss issues relating to the assessment and operational work of the mission. These meetings, coordinated by the DCO, may include:

- Ministry of Foreign Affairs to ensure relevant accreditation and visa arrangements are made for EU observers and possible customs clearance procedures for EOM material, as well as to obtain information on issues such as voting by expatriate citizens;
- Ministry of Justice to obtain information on the legislative framework, complaints and appeals processes, registration of political parties and other legislative issues;
- Ministry of Interior and policing bodies to exchange security information relevant to ensuring the safety of EU observers. Additionally, information is gathered on the structure of the security forces and their role during the election process, as well as arrangements for voting in prisons and

by security personnel, and on the voter register (in countries where the Ministry of Interior is the competent body);

- Ministry of Defence to obtain information on voting by members of the armed forces;
- Ombudsman and/or National Human Rights Commission to obtain information on issues such as freedom of movement, expression, association and assembly, as well as participation of women and national minorities;
- State media supervisory bodies to assess activities relating to media regulation, monitoring and enforcement.

5.6.2 Coordination with the EU Delegation and resident diplomatic representatives

The CO and DCO meet frequently with the Head of the EU Delegation and other EU Heads of Mission. The CO, and in his/her absence the DCO, provides regular diplomatic briefings to EU Heads of Mission at the initiative of the EU Delegation, outlining EOM methodology, activities and developing assessment. Such meetings provide an opportunity for the EU EOM and the other EU structures present in country to have close dialogue on the electoral process and to share relevant information. However, at all times the EU EOM retains political independence in its findings and conclusions. These briefings also enable the EU EOM to inform EU Member State embassies of procedures for the potential participation of a limited number of diplomatic staff as locally-recruited STOs. The CO and DCO will also meet with diplomatic representatives of non-EU countries and international organisations.

5.6.3 Coordination with other international observer delegations

The 2000 European Commission Communication on Election Assistance and Observation, and the 2005 *Declaration of Principles for International Election Observation* commit EU EOMs to cooperate and coordinate with other international observer groups. Such an approach can help find common positions on the electoral process and maximise the contribution of international election observation to the host country. Cooperation can include the sharing of information on the election process, observation findings, and security, and the holding of joint meetings with interlocutors. The EU EOM ensures that such cooperation does not compromise its independence, and bases its conclusions on the findings of its own observers. In light of this, joint statements should in principle not be sought, but joint press releases aimed at preventing post-election violence have on occasion been issued. Relations with other international observer groups are coordinated by the DCO and may involve other members of the core team.

5.7 Mission visibility

An important task of the EU EOM is to raise awareness and understanding of its mandate and purpose as well as the EU's wider work in support of democracy, the rule of law and human rights. The EU EOM develops an approach to public outreach to build and sustain a positive reputation in-country and internationally. In doing so, it takes steps to:

- encourage a positive attitude towards democratic processes;
- promote understanding of the important and constructive role that can be played by election observers, both national and international;
- explain the EU EOM's mandate, referring to the principles of neutrality and impartiality, as well as the duration and composition of the mission;
- provide information on EU election observation and assessment methodology;
- ensure that any public statements on the conduct of the electoral process are widely distributed to media outlets and other interested parties; and
- maximise visibility and transparency of the mission's work in-country and internationally.

5.7.1 Media relations

The work of EU observers often attracts considerable national and international attention. The EU EOM media strategy should respond to this with a view to maximising the positive impact of the mission. The CO acts as the principal spokesperson of the EU EOM and works closely with the DCO and the press and public outreach officer in developing media relations. Only the CO and DCO are mandated to speak about the conduct of the electoral process. Other EU EOM members may only speak about the mandate, structure and activities of the mission (see 5.7.3 *Interacting with the media in the field*).

Opening press release and press conference

The HR/VP issues a press release announcing the deployment of the EU EOM. Subsequently, upon arrival, the EU EOM issues a press release to announce its formal opening. This explains that the mission has been invited by the host country authorities to observe the electoral process, and emphasises in particular the independence of the EU EOM from EU institutions and its separate mandate from the EU Delegation and embassies of EU Member States. It provides information on the composition and duration of the EU EOM as well as the mission's contact details. The press release is sent to the Democracy and Election Division at the EEAS for comments before being translated (if required) and distributed to national and international media outlets.

The press release is issued at a press conference, which announces the formal opening of the EU EOM. A press advisory notice to inform the resident media of the timing and location of the event is issued by the EU EOM. This normally takes place shortly after the arrival in country of the CO, and is organised after the mission has held introductory courtesy meetings with key electoral actors. Before answering questions, the CO outlines the information contained in the opening press release and explains the EU EOM's role and mandate, underlying in particular the principles of independence and non-interference in the electoral process.

Media interviews, briefings and events

Throughout the duration of the EU EOM, there will be further opportunities for media coverage. The CO is encouraged to give interviews and to hold media briefings with journalists. The EU EOM also issues additional press releases related to mission activities. The EU EOM invites journalists to cover mission events, including deployment of LTOs and STOs, CO activities, field trips and visits to polling stations on election day.

Where press releases are issued in relation to electoral events that may be politically sensitive (for example, if violence occurs during a campaign), care is taken to ensure that such statements are impartial, responsible and constructive in tone. All EU EOM press releases are sent to the EEAS Democracy and Election Division for comments and consistency check before being issued.

Post-election press conference announcing the preliminary statement

A key event for the EU EOM is the release of its preliminary statement shortly after election day (see *8.3 Preliminary statement*). In deciding when to release its preliminary statement, the EU EOM should balance the expectation and interest in a prompt assessment with the need for time to produce an accurate and comprehensive analysis of its preliminary findings. The press conference usually takes place within 48 hours of the close of the polls.

At the press conference, the CO delivers a summary of the preliminary statement, outlining the key findings and conclusions of the EU EOM on the conduct of the election process, and then answers questions. The CO highlights that the EU EOM statement is issued at a time when the last phases of the election process are yet to be completed and that it is continuing to observe and will produce its overall assessment in its final report, issued within two months of the completion of the electoral process.

Where an election observer delegation from the European Parliament is present as part of the EOM, the head of the delegation also speaks at the press conference after the CO. When necessary, the EU EOM ensures that professional interpretation is provided at the press conference. The mission

also issues a press release to accompany the preliminary statement. This is consistent in content and tone to the preliminary statement and includes quotes from the CO and the head of the European Parliament delegation. Statements may also be issued by the HR/VP and the President of the European Council in the post-election day period.

Closing press release

The EU EOM issues a press release to announce the closure of the mission and the likely date for release of the final report.

Press events for the release of the final report

The final report is usually issued within two months of the completion of the entire election process. It is released during a return visit of the CO, DCO and in most cases the press and public outreach officer to the host country after being presented to the state and electoral authorities and other relevant stakeholders such as representatives of political parties, civil society and the media. The report is also shared with EU Heads of Mission and other representatives of the international community. A press conference is organised by the EU Delegation, at which the CO presents the key conclusions and recommendations of the EOM as proposed in the final report (see *8.4 The final report*).

5.7.2 Public outreach activities

In addition to direct relations with the media, the EU EOM may develop a public outreach strategy that seeks to engage and build relations with electoral stakeholders and to broaden their awareness of the role and mandate of election observation. This may include utilising various channels such as social media features and roundtable discussions with civil society.

EU EOM Fact Sheet

Upon arrival, the EU EOM will prepare a fact sheet, providing information on its mandate, role and activities, and background information on the EU. The fact sheet is professionally printed and translated into all relevant languages. Copies are then distributed widely through meetings with interlocutors and other public outreach activities.

EU EOM website

An essential element for public outreach is the EU EOM website, which provides information on the mission's composition, activities and contact details. It also contains information on the EU and its observation policy and documentation related to EU observation methodology (including this handbook and the accompanying *Compendium of International Standards for Elections*). The *Declaration of Principles for International Election Obser-*

vation is also included on the mission website. In addition, the website contains all EU EOM press releases, public reports, and other election-related information.

5.7.3 Interacting with the media in the field

Occasions when EU observers are asked by the media for interviews on their work provide important opportunities for transparency and public outreach on the work of the EU EOM. In order to ensure that an accurate and consistent message is given, the EU EOM press and public outreach officer provides EU observers with guidelines on interacting with the media. Such guidance equally applies to the use of social media.

In principle any requests for interviews should be referred to the press and public outreach officer. However, in circumstances where EU observers are directly approached by journalists, in particular during election day observation, they may discuss the following:

- the role and mandate of the EU EOM;
- the long-term and countrywide coverage of the EU EOM and the number of EU observers;
- the commitment of the EU EOM to impartiality and non-interference;
- the background and experience of the members of the observer team.

They should further inform the media that:

- the preliminary findings of the EU EOM will be issued in a statement at a press conference that all media outlets can attend;
- the EU EOM will publish a comprehensive final report within two months of the completion of the election process; and
- the CO and DCO may be contacted for further details via the EU EOM press and public outreach officer.

EU observers **should not:**

- offer any kind of assessment of the electoral process or any aspect of it, even if the assessment is characterised as a preliminary or personal view;
- express their personal opinion on any aspect of the electoral process;
- speculate on any aspect of the electoral process, such as the conduct of election day or the results;
- compare the electoral process of the country being observed with any other elections, including their own country, or other countries where they may have observed.

SECTION SIX

6 THE STRUCTURE AND ROLES OF AN EU EOM

6.1 The EU EOM at central level

6.1.1 Chief Observer

The EU EOM is led by a chief observer (CO) who is in principle a Member of the European Parliament (MEP), appointed by the HR/VP. The CO has overall responsibility for the EU EOM, which is independent in its findings and conclusions. S/he works in close cooperation with the EEAS, the European Commission and other EU institutions. The CO adheres to guidelines provided by the EEAS and Commission, which requires that s/he:

- ensures that the EU EOM abides by the Declaration of Principles for International Election Observation, commemorated at the United Nations in October 2005, as well as memorandums of understanding signed with the relevant authorities;
- ensures that the EU EOM carefully follows standard EU methodology and best practice in election observation outlined in this handbook and the accompanying guidelines;
- abides by the Code of Conduct for EU Observers and the Code of Conduct for International Election Observers, contained in the Declaration of Principles for International Election Observation, and ensures that core team members and observers are made fully aware of the need to abide by these documents;

- ensures that the EU EOM evaluates the conduct of the electoral process in accordance with international standards for democratic elections;
- ensures that the EU EOM's independence in findings and conclusions as well as political neutrality are maintained throughout the deployment of the mission;
- represents the EU EOM in contacts with a broad range of interlocutors, liaises regularly with other credible international observation missions and citizen observer groups, and keeps Member State embassies and the EU Delegation informed of the EU EOM's work, findings and conclusions;
- briefs and works closely with the election observation delegation from the European Parliament (when applicable);
- maintains regular contact with the media in order to develop a high profile for the mission on both domestic and international levels;
- ensures that reporting by the EU EOM is of high quality, fully adhering to the guidelines and standard formats provided;
- ensures that all findings and conclusions of the EU EOM are based on carefully verified factual information gathered by the core team and observers;
- oversees the observer appraisal process and provides final evaluation of core team members in coordination with the DCO and provides the evaluation of the DCO;
- returns to the country to present the final report, containing detailed recommendations for the future, to election stakeholders and the wider public.

As a working MEP, the CO is unlikely to be able to be present for the entire duration of the mission. During a period of absence, the CO retains overall authority, but the DCO is designated with day-to-day management responsibility. The CO should aim to be present in the host country for key electoral and mission events, including the opening of the mission, the briefing and deployment of observers, and the election day period. In addition to returning to present the final report, the CO may also be asked to join a follow-up mission.

Regarding security procedures, the CO should be consulted and made aware of any important decisions that affect the work of the EOM. However, the duty of care remains with the European Commission and the decisions regarding security are implemented by the SP.

6.1.2 Core team members

All core team members report to and work under the supervision of the CO and DCO. Specific descriptions of the role and responsibilities of core team members are provided in the EU EOM terms of reference. Prior to deploy-

ment, EU EOM core team members attend a briefing with the EEAS and European Commission in Brussels. All core team members contribute to mission reports and briefings for EU observers. The following provides a general description of their work.

Deputy Chief Observer (DCO)

The DCO is the principal political and technical advisor to the CO and deputises for the CO in his or her absence. In coordination with the CO, the DCO has management responsibility for the political, analytical, methodological and for the coordination of the activities of all mission members and the SP. In this context, the DCO is employed directly by the European Commission with a Special Advisor status. S/he is the main point of contact of the SP for operational and security aspects of the EU EOM and therefore should be duly informed and consulted of any decision in this matter. S/he is the focal point for communication with the EEAS, the European Commission, the resident international and diplomatic community, and national stakeholders. In addition, the DCO:

- ensures the EU EOM adheres to the memorandums of understanding agreed with state and electoral authorities;
- ensures the consistent implementation of EU election observation methodology as outlined in this handbook in accordance with international standards for democratic elections;
- provides day to day guidance and instructions to all members of the core team;
- prepares interim reports, the preliminary statement and the final report based on core team contributions and in accordance with guidelines and templates provided by the EEAS and Commission, and ensures that reports are produced to the highest professional standards;
- establishes a mission timetable detailing key events, including reporting deadlines, as well as internal EU EOM procedures;
- coordinates preparation of observer briefings, materials and forms, and operational planning for observer deployment and election day coverage;
- facilitates the preparation of the briefing programme and deployment plan for the EP election observation delegation in the framework of the EU EOM;
- acts as a contact point for other international election observer groups, including an election observation delegation from the European Parliament and locally recruited EU observers;
- oversees the observer appraisal process and provides final evaluation of core team members in coordination with the CO;

- maintains regular contact with the CO when s/he is not present in country;
- maintains close contact with the EEAS and informs about electoral and political developments outside of reporting cycles;
- returns to the host country with the CO for the delivery of the final report.

Election Analyst

The election analyst is responsible for assessing the work of election management bodies (EMB), access to EMB information, voter registration, party and candidate registration and the procedures for voting, counting and the tabulation of results. S/he works in close cooperation with the DCO, the legal analyst and other members of the core team, and draws on analysis and reports from LTOs and STOs. The election analyst is the focal point for relations with the election management body, other relevant administrative agencies and citizen observer groups. The election analyst has lead responsibility for the preparation of election day observer report forms. Additional analyst(s) may also be brought in to provide further expertise in specialist areas of election administration, for example in electronic voting or biometric voter registration.

Legal Analyst

The legal analyst is responsible for assessing the compliance of the legal framework with international standards for democratic elections, the implementation and enforcement of national laws, and the implementation of complaints and appeals procedures. S/he identifies the universal and regional legal and political instruments that are relevant to the host country. S/he is responsible for ensuring that mission members are familiar with relevant international standards and that these are properly used by the EU EOM as the basis of its assessment. S/he should become fully conversant with relevant host country laws and ensure that all members of the core team and LTOs understand legal provisions relevant to their areas of assessment.

The legal analyst tracks election-related complaints and appeals, maintains a database of election-related complaints, attends court cases when necessary, and provides the CO with legal opinions on relevant issues. S/he ensures that the EU EOM has copies of all relevant legislation and regulations, liaises closely with the DCO, the election analyst and other members of the core team, and analyses the reports from LTOs and STOs. The legal analyst is the focal point for relations with the judiciary and other relevant legal stakeholders.

Human Rights Analyst

The human rights analyst is responsible for providing analysis and advice on the human rights context and environment in the host country. S/he analyses reports of politically motivated intimidation, arrests, discriminatory practices

or human rights violations. The human rights analyst also covers issues related to the participation of women, minorities and disadvantaged groups in the electoral process. S/he is the focal point for relations with relevant State institutions and civil society organisations. When no human rights analyst is deployed, the legal analyst of the EOM covers this area of assessment.

Political Analyst

The political analyst is responsible for assessing political developments and campaign activities related to the electoral process, including campaign finance. In conjunction with the media analyst, s/he monitors election and campaign content on the web. In addition, the political analyst provides the EU EOM with background on the politics, culture and history of the host country. With input from the SP security expert, the political analyst tracks any incidents or reports of election-related violence. The political analyst is the focal point for relations with political parties, candidates and their campaign teams, as well as for general civil society activity.

Media Analyst

The media analyst is responsible for assessing the role of the media in the electoral process, the legal framework for media coverage, the wider environment for media, and freedom of expression. In particular, the media analyst establishes a Media Monitoring Unit (MMU), to undertake quantitative and qualitative analysis of media coverage of the election. The MMU will consist of national staff who are trained in media monitoring methodology. The media analyst assesses compliance of the media with national laws, tracks media-related complaints, and liaises closely with the election, legal, political and human rights analysts. S/he liaises with long-term observers on regional media activity. In conjunction with the political analyst, s/he monitors election and campaign content on the web. The media analyst has also lead responsability for the observation of online media, as well as the assesment of internet-related freedoms. S/he produces media monitoring data for inclusion in mission reports. The media analyst is the focal point for relations with media regulatory bodies, media outlets and civil society organisations that represent journalists and carry out media monitoring. S/he works closely with the press and public outreach officer, including by monitoring coverage of the EU EOM in the local media.

Press and Public Outreach Officer

The press and public outreach officer is responsible for developing strategies for maximising visibility of the EU EOM through media coverage and public outreach. The press and public outreach officer establishes and maintains contact with the national and international media, and develops a comprehensive media contacts database. S/he organises all press events, identifies

events of media interest, and prepares and distributes EU EOM press releases in consultation with the chief observer, DCO and EEAS. S/he is responsible for preparing content for the EU EOM website with contributions of other core team members. The press and public outreach officer oversees public outreach activities, including the development of an EU EOM fact sheet. S/he ensures that the mission follows the *Communication and visibility manual for EU external action*.[1] The press and public outreach officer makes public or press statements on behalf of the EU EOM only with the specific approval of the CO or DCO.

Observer Coordinator

The observer coordinator is responsible for coordination of long- and short-term observers (LTOs and STOs) and, in particular, the gathering and initial analysis of observer reports from the field. S/he acts as the core team focal point for all LTOs and STOs, tasks and guides observers on their operational and reporting responsibilities, and brings relevant matters to the attention of observers and the core team. Working closely with the DCO and other core team members, the observer coordinator manages the preparation of the deployment plan in close coordination with the SP security and operations experts, coordinates observer briefings, briefing materials, debriefings and other events. S/he oversees compliance with relevant codes of conduct for election observers and EU observation methodology. In conjunction with the DCO, s/he conducts the appraisal of observers. The observer coordinator consolidates and analyses long-term observer reports from the field, identifying emerging issues and regional patterns, and shares relevant information with core team members. The observer coordinator visits LTO teams in the field, as circumstances permit. In larger missions, s/he may be supported by a deputy observer coordinator.

Data Analyst

The data analyst has lead responsibility for the collection of observers' data on voting, counting and tabulation, and for providing the core team with a detailed statistical analysis of the observation data, on their own initiative as well as upon request from the DCO and election analyst. The data analyst assists the election analyst in the tailoring of observer forms to the specific context of the elections observed, and may be requested to work with the observer coordinator and the SP on designing a deployment plan for election day that minimises sample bias, for example using randomisation. The data analyst produces an internal final report on the EOM observation data. The data analyst may also provide analysis of available election data coming from other sources, such as the EMB, national authorities, or other institutions, including on the voter register and the results, schedule permitting.

1 http://ec.europa.eu/europeaid/work/visibility/index_en.htm_en

6.1.3 Service provider key experts

Project Manager

The project manager in the host country oversees the activities of the SP team. Together with her/his team, s/he arranges for all logistics and administrative requirements to deploy and repatriate the EU EOM (equipment procurement, financial and contractual aspects of the EU EOM implementation, international transportation, visas, etc.). S/he is responsible and accountable for the overall administrative management of the EU EOM including financial and budgetary control. Together with her/his team, s/he sets up the EU EOM office, identifies local accommodation, arranges accreditation and pre-selects local support staff prior to the arrival of the core team. S/he co-ordinates the operational aspects of the observers' deployment throughout the country, in close cooperation with the operations and security experts. S/he liaises with the DCO and relevant services of the European Commission on a regular basis.

Operations Expert

The operations expert is responsible for all operational and logistics aspects of the EU EOM. The operations expert advises on the implementation of the administrative and logistical requirements of the EU EOM (national staff recruitment, office space, drivers, vehicles, accommodation, room bookings, equipment, visibility materials, communications, medical kits, observer transportation, etc.). The operations expert works closely with the observer coordinator and security expert on arrangements for the deployment of observers. S/he ensures operational needs of the EU EOM mission members are met and the mission runs smoothly. The operations expert is responsible for the close-down of the mission, including organising the archive and sending it to the European Commission. In larger missions, s/he may be supported by a deputy operations expert.

Security Expert

The security expert is responsible for establishing appropriate safety and security arrangements for EU EOM members and will provide instructions and guidance on the safety of EU observers. S/he is responsible for consulting the CO and the DCO on all security issues and is responsible for ongoing security risk assessments, security planning and the implementation of the EU EOM security plan and procedures. The security expert monitors relevant security developments, including election violence, in close coordination with the political analyst. S/he establishes relations with national security structures (*i.e.*, police, military) and international actors, including EU Member State embassies, in order to develop contingency plans for cri-

sis situations, including possible evacuations. S/he establishes security reporting and warden systems, provides security clearance for the deployment plan and, where relevant, clearance for observer movement. The security expert works closely with the DCO, operations expert and project manager on logistical requirements for security standards (staff, offices, accommodation, and communications equipment). S/he provides a security briefing for all observers upon arrival. The security expert reports regularly to the CO and the DCO, and produces a regular security assessment report. In larger missions, s/he may be supported by a deputy security expert and by liaison officers deployed outside the capital.

For any major security-related decision, the security expert consults the CO and/or DCO. In case of a major disagreement on the measures to be taken, the security expert, together with the Project Manager, contacts the European Commission (FPI) which will carry out the necessary consultations at the appropriate level, including with the EEAS.

6.2 Long-Term Observers (LTOs)

6.2.1 Roles and responsibilities of LTOs

An essential element of EU election observation methodology is its long-term, comprehensive coverage of the entire electoral process countrywide. Observation, assessment and reporting on election-related activities and events by teams of LTOs across the country are vital to the overall collective assessment of the EU EOM.

LTOs undertake an assessment of the same broad range of issues in their Areas of Responsibility (AoR) that the core team follows at the national level. These include:

- regional political context: the role of key political and electoral actors in the process and any political developments arising;
- election administration: the performance of the regional/local EMBs in preparing and implementing the election process;
- voter registration: the level of public confidence in the quality and accuracy of the voter register, the efficiency and reliability of the voter registration process, and the tracking of any related complaints;
- candidate registration: the implementation of procedures for the registration of candidates at regional level;
- campaign: the range of campaign activities taking place, and whether there are any restrictions on the freedoms of expression, assembly and movement;
- media: the role of local media and their coverage of the election campaign:

- human rights: whether there are human rights issues impacting on the electoral process, including issues relating to discrimination and the participation of women, minorities, disabled persons and other groups;
- civil society: the range of local civil society activities related to the election, especially citizen observers;
- complaints and appeals: the credibility of election-related complaints and the effectiveness of complaints and appeals mechanisms;
- election day: the implementation of voting and counting procedures and the wider election day environment;
- results and post-election issues: the aggregation, tabulation and publication of election results and the environment during the post-election period.

In addition, LTOs are responsible for preparing and managing the deployment of STO teams in their AoR for expanded mission coverage on election day, in close coordination with the observer coordinator and the SP operations and security experts. They may also be responsible for supervising teams of local STOs and assisting MEPs who are deployed to their AoR. LTO teams are required to follow all management, operational and security guidelines, including on public outreach. Each LTO team produces a weekly report on developments in their AoR (and may also produce campaign rally reports after political rallies and *ad hoc* or spot reports on relevant situations as they arise), using reporting templates provided by the EU EOM.

LTOs work in international teams of two. The pairing of individuals is based on ensuring a balance in the team of nationalities, previous observation experience, other relevant experiences, and language skills. LTOs work in pairs to enhance the credibility and reliability of their observations and to ensure a balance of analysis. Where possible, there is also a gender mix in a team. As the representatives of the EU EOM in their AoR, LTOs should work to the highest professional standards, maintaining the integrity of the mission. Each LTO should adhere strictly to the Code of Conduct for EU Observers.

Ideally, LTOs are in-country for approximately seven weeks, arriving five weeks before election day and remaining in their AoR for up to two weeks after election day. LTO teams work closely with, and under the supervision of, the observer coordinator.

6.2.2 LTO meetings with interlocutors

The LTO team is the focal point for all regional interlocutors of the mission. These include the following electoral stakeholders:

- regional and local branches of the EMB;
- senior officials from regional and local government (e.g., governors, mayors);
- political parties from the region or the representatives/branches of national parties;
- candidates standing in the region, or the regional representatives of national candidates;
- journalists and representatives of regional and national media;
- civil society organisations active in the fields of human rights and elections in the region, including citizen observer groups, women's groups and minority groups;
- senior police officials;
- community leaders, academics, and others who may have useful knowledge of elections;
- representatives of international organisations operating in the region, including other international election observer groups.

The LTO team meets regularly with interlocutors across their AoR. Both members of the LTO team attend all meetings together.

6.2.3 LTO orientation and activities

Pre-deployment

Prior to their deployment, each LTO is contacted by e-mail by the SP and the observer coordinator. LTOs receive operational information (flight tickets, visa procedures, country profile, etc.) and election-related information, including advance LTO briefing materials. LTOs are expected to familiarise themselves with this material before arriving in-country.

Briefing upon arrival

A comprehensive two-day briefing for LTOs takes place covering: EU EOM methodology, the code of conduct, all areas of assessment, relevant security issues and standard security procedures, and reporting and coordination issues. In addition, explanation is provided on administrative and logistical matters, including communications, and there is a handover of equipment and materials.

Deployment of LTO teams

The criteria for the field deployment of LTO teams are outlined above in 5.3.7 *Criteria for the deployment of observers*. Ideally, all regions of the host country are covered by LTO teams, unless logistical or security reasons restrict deployment or coverage in specific areas. The LTO team is usually based in the administrative capital of their designated region, and travels extensively to other locations throughout their AoR. Where possible, each LTO team is deployed by road with their interpreter/assistant and driver. In larger countries, LTO teams may be deployed by air and meet their support staff upon arrival at an airport near to their deployment base.

Mid-term briefing

Depending on the overall duration of a mission, a briefing may be held midway during the deployment of the EU EOM. The mid-term briefing enables the core team and LTOs to discuss electoral developments, clarify observation issues and confirm preparations for the deployment of STOs.

6.2.4 Preparing for STOs

Shortly before election day, each LTO team is likely to be joined by several teams of STOs. They may also be joined by one or more team(s) of locally-recruited STOs, and members of the election observation delegation from the European Parliament. The core team and SP team issue guidelines to LTOs on the specific tasks to be undertaken in order to prepare for the deployment of STOs.

The number of STOs to be deployed to the host country is considered during the exploratory mission and finalised by the EEAS and the European Commission. The core team prepares a provisional deployment plan for STO teams to each AoR, using the criteria outlined in 5.3.7 *Criteria for the deployment of observers* and in close coordination with the SP team. The deployment plan is finalised after consultation with each LTO team, who are asked to indicate the optimum number of STO teams for their AoR.

Preparing a regional STO deployment plan

When the number of STO teams to be deployed to each AoR is finalised, the LTO team prepares a regional deployment plan for their AoR. This includes the following information:

- the AoRs covered by each STO team and their deployment base;
- a list of polling stations in each STO team's area of deployment that may be visited on election day, based on instructions provided by the core team aimed at addressing possible sample bias (see Section 7.2 *Election day deployment and reducing sample bias*);
- suggested routes between locations in the AoR, including estimated times of travel;
- a list of the locations of regional EMB offices and/or regional tabulation centres.

Preparing a regional STO briefing

LTOs also prepare a regional briefing pack of relevant materials, using a template provided by the observer coordinator. The regional briefing pack includes general background information on the AoR, such as the regional political context and the work of the EMB, and highlights any specific issues that are relevant to STOs. It also details logistical arrangements, including a timeframe for the STOs over the election day period, procedures for the transmission of reporting forms, any specific security issues and a list of contact names and addresses. The regional briefing pack should also include relevant regional documentation such as maps, lists of polling stations, the numbers of registered voters at each polling station, and lists of regional candidates. This information should be available from the regional EMB. Upon the arrival of the STOs in the AoR, the LTO team will provide a regional briefing to present and explain the information contained in the briefing pack and to allow an opportunity for questions and team-building.

Preparing STO logistical arrangements

The LTO team prepares regional logistical arrangements for the STOs in its AoR under the direction of the SP. This includes identifying suitable ac-

commodation for STOs and assisting the SP with the recruitment of suitable candidates for interpreters/assistants and, on a case by case basis, drivers for the STO teams. LTOs should provide a group briefing for all national support staff on their role and responsibilities.

6.2.5 Planning for election day and post-election day observation

Each LTO team undertakes the following tasks in planning for election day:

- confirm with the core team a schedule for reporting observation data;
- establish a schedule for STO teams on election day, including fixed contact times with LTOs (including after final return to accommodation), the return of observer checklists, and procedures for reporting serious irregularities or emergencies;
- designate 'duty' LTOs and STOs to be called in an emergency or if queries arise;
- prepare a list of contact details for key local interlocutors;
- prepare a schedule for the debriefing of STOs;
- prepare a schedule for STOs over the immediate post-election period, including observation of the tabulation process.

Individual debriefings with STOs normally take place at various times on election day and at the end of their observation. This is an important task for LTOs, as it ensures that the core team can be made immediately aware of key observations and allows the LTO team to clarify the information provided. It is also common for a group debriefing to take place early the following day, so that STOs can review and compare their findings, and the LTO team can gather further information on election day from across their AoR.

Further information on election day and post-election activities is found in Section Seven.

6.2.6 End of mission

Tasks before leaving the AoR

Ahead of their departure from the AoR, LTOs hold farewell meetings with all key interlocutors, at which time they can distribute copies of the EU EOM preliminary statement. LTOs also prepare a final report on the team's work and produce an electronic archive of all relevant documents for submission to the core team. Copies of complaints and other original documents should be filed and returned to the observer coordinator or legal analyst. The LTO team should also produce a contact list of its interlocutors, as well as drivers and interpreters/assistants for possible future reference.

End of mission debriefing

LTO teams take part in a debriefing at the end of their mission. This is led by the DCO and provides an opportunity for the core team and LTOs to share and discuss their findings on the election process and organisation of the mission. LTOs are asked to identify possible recommendations for the mission's final report and improvements for future missions.

6.2.7 LTO reporting

Reporting by LTOs to the core team is a cornerstone of the work of all EU EOMs. The quality of the findings of the EU EOM depends, to a large extent, on the accuracy and usefulness of the reports produced by LTO teams, as they provide concrete regional examples that substantiate the broader findings of the mission. The observer coordinator is in charge of managing and supervising LTO reporting. The information provided by LTOs is used in the EU EOM interim reports, preliminary statement and final report. Guidelines for reporting by EU observers are outlined in Section Eight.

Some information from interlocutors may be sensitive and need to be treated in confidence, protecting their anonymity. The LTO team should discuss these cases with the core team on an individual basis and consider whether the LTO report should include such information. If not included, it should be passed to the core team in an appropriate confidential manner.

LTO teams submit their reports jointly, reflecting the combined observations of the team members. However, it is usual for the team to have a "division of labour" in report writing, with each team member covering different issues. If the two team members disagree on a substantive issue, they may report both points of view and explain why their opinions differ.

LTO weekly reports

Each LTO team produces weekly reports that provide information and preliminary analysis on all issues relevant to the electoral process within their AoR. The core team establishes a reporting schedule and provides a template structure. The LTO weekly reports should contain factual information and descriptions of events, along with analysis of these facts within the regional context. Concrete examples should be provided wherever possible. Facts and commentary should be clearly distinguished in reporting. Sources should be stated and whether information received is deemed credible or not. Speculation or personal opinions by LTOs should be avoided or clearly identified as such. LTOs may also be asked to fill out a weekly checklist to provide comparative qualitative and quantitative data to the core team.

Model structure for the LTO weekly report

(Some issues may not have to be addressed each week)

1. Executive summary
2. Political context
3. Election administration
4. Voter registration
5. Registration of candidates/ political parties
6. Election campaign
7. Media environment
8. Complaints and appeals
9. Participation of women
10. Participation of minorities
11. Civil society
12. Voting, counting and tabulation
13. Operational issues and preparations for STO deployment
14. Security issues
15. Action required by the core team

As soon as LTO reports are received, the observer coordinator distributes copies to the CO and the core team. A summary of all the weekly reports is produced by the observer coordinator and circulated to the core team and LTOs. All internal mission reports should be considered confidential documents and should not be further circulated, the content of which may have political implications. If LTO weekly reports are 'leaked', this could be harmful to the mission, especially if they contain assessments that are premature.

Other LTO reports

There are other reports which LTO teams may be required to submit in different circumstances. Templates for these reports will be provided to the LTO team by the core team.

Spot/incident reports

These reports cover important or urgent issues (*e.g.*, a violent incident or coverage of a prominent court case). The issue covered by the spot/incident report should also be included in the next scheduled weekly LTO report.

Campaign rally reports

The template for these reports provides a checklist for issues to be reported on, when LTOs attend a campaign event (*e.g.*, a rally or public debate).

LTO final report

At the end of deployment in their AoR, LTO teams provide a final report on their main findings and conclusions on the electoral process, as well as issues related to the organisation of the mission. The final LTO report may include recommendations for the core team to consider for inclusion in the EU EOM final report.

6.3 Short-Term Observers (STOs)

6.3.1 Roles and responsibilities of STOs

The EU EOM extends the scope of its observation coverage on election day through the deployment of STO teams across the country. Their observation of voting, counting and the tabulation process is an important part of the EU EOM's findings and overall assessment of the electoral process.

STOs observe, assess and report on the following aspects of the electoral process:

- election environment, including the atmosphere over the election day period, and whether there are instances of intimidation, restrictions on freedom of movement, or other problems;
- implementation of voting procedures, including compliance with national laws, whether the right to vote and the right to a secret ballot are enjoyed in practice, and whether election officials act in a fair and impartial manner;
- implementation of the procedures for the counting of votes, including compliance with national laws, whether the votes are counted promptly, accurately and honestly, counting officials act in an impartial manner and the process is transparent;
- tabulation and publication of results, including whether there is a transparent, accurate and prompt transfer, tabulation and publication of results, and whether there are problems with the wider post-election environment.

Each STO team completes report checklists on voting, counting and tabulation. These data are transmitted to the EU EOM headquarters for statistical analysis. In addition, STOs provide narrative reports and regular updates to their designated LTO team. This is especially important where an STO team observes serious irregularities or problematic events. In addition, the STO team may have separate security and logistical reporting requirements, including movement reports.

STOs work in international teams of two. The pairing of individuals is based on ensuring a balance amongst teams of nationalities, previous observation experience, other relevant experiences and language skills. Where possible, there is also a gender mix in a team. STOs work in pairs to enhance the credibility and reliability of their observations and to ensure a balance of analysis. As representatives of the EU EOM, STOs should work to the highest professional standards and maintain the integrity of the mission. Each STO should adhere strictly to the code of conduct for EU observers, and any other relevant codes of conduct.

Ideally, STOs are in country for 10-12 days, arriving around a week before election day. All STOs work under the supervision of the observer coordinator and their designated LTO team.

For detailed guidelines on the work of EU observers on election day, see Section Seven.

6.3.2 STO meetings with interlocutors

During their work over the election day period, an STO team meets a number of local interlocutors and electoral stakeholders, including:

- members of the local EMB, polling station officials, and counting officials;
- candidate representatives and political party representatives in polling stations;
- citizen and international election observers;
- officials from local government (e.g., mayors) and police;
- occasionally they may encounter journalists.

6.3.3 STO orientation and activities

Pre-deployment

Ahead of their departure, each STO is contacted by e-mail by the SP and the observer coordinator. Whenever possible, they are sent election-related information, including advance briefing materials. STOs are expected to familiarise themselves with this material before arriving in-country.

Briefing upon arrival

STOs are met at the airport by representatives of the SP, before being transferred to a hotel, usually in the capital city. Each STO is provided with mission identification, accreditation, and a mission briefing pack.

A two-day briefing for STOs takes place, the agenda for which includes:

- a welcome from the CO and the core team;
- comprehensive briefings on EU methodology for election observation, the code of conduct for EU observers and background information on all areas of assessment undertaken by the EU EOM;
- a specific briefing and/or training on relevant security issues and standard security procedures;
- detailed information on voting, counting and tabulation procedures, observer report forms, reporting procedures and coordination issues;
- an overview of logistical, coordination and administrative issues, including a handover of equipment and materials; and
- guidelines on dealing with media enquiries.

Deployment of STO teams

The criteria for the field deployment of STO teams are outlined above in 5.3.7 *Criteria for the deployment of observers.* The polling stations selected for observation should reflect to the largest possible extent the variety of demographics in the country, including the ratio of urban to rural population and the distribution of any minority groups. Once issued, the deployment plan may not be changed, except in cases of emergencies. Generally, there is more than one STO team in each of the AoRs covered by an LTO team.

Each STO team will be provided with their own area of deployment. Ideally, all regions of the host country will be covered by STO teams, unless there are logistical or security reasons that restrict deployment or coverage in specific areas. The STO team is usually initially based in the administrative capital of the AoR but may later be relocated closer to their area of deployment. Where possible, each STO team is deployed by road, with their interpreter/assistant and driver. In larger countries, STO teams may be deployed by air and meet their support staff upon arrival.

As emphasized in Section Seven, the variety of the sample and the accuracy of the observation are more important than the number of polling stations observed. Consequently, observer teams should always observe as a team and visit no more than two polling stations within any single polling centre.

Regional STO briefings

STOs receive a regional briefing from their designated LTO team, which covers:

- general background information on the AoR, such as the regional political context and the work of the EMB, as well as any specific issues that are relevant to STOs;
- logistical arrangements, including a timeframe for the STOs over the election day period and procedures for the transmission of observation data, any specific security issues, and a list of contact names and addresses; and
- relevant regional documentation, such as maps and lists of regional candidates.

Each STO team receives information on its specific area of deployment, including:

- a list of the polling stations, identifying those that may be visited on election day;
- data on the number of registered voters at each polling station;
- a list of any specific polling stations or specific areas that the STOs are directed to visit (e.g., special polling stations or problematic areas);
- a list of the location of regional/local EMB offices and/or results tabulation centres; and

- suggested routes between locations in the AoR, including estimated times of travel.

Familiarisation

Following their regional briefing, STO teams familiarise themselves with their area of deployment. This includes preliminary tours before election day to areas of observation in order to locate polling stations and tabulation centres and a meeting with election officials. This allows the STO team to gain a useful insight into the election day preparations, identify any potential concerns and plan a route and a schedule of visits on election day. STOs should select which polling station they will observe the opening of voting and the polling station/counting centre where they will observe the counting. The STO team may choose to modify their schedule on election day, for example if they believe it would be useful to return to a polling station a second time, or if they decide it would be beneficial to observe the count at a different location from the one which they initially intended to observe. The STO team only shares their anticipated route and schedule with their designated LTO team, and the security expert if required. It should remain confidential.

Post-election debriefing

STOs are debriefed by their designated LTO team, in order to discuss their observations of election day and clarify any issues that arise from their reports. This takes place at various times throughout election day and at the end of their observation. A group debriefing with other STO teams in the AoR takes place early the following day, so that STOs can review and compare their collective findings.

Post-election observation

During their remaining period in their area of deployment, STOs observe key aspects of the post-election period. This can include observing any on-going counting of votes or tabulation of results, visiting polling stations to collect published results data, and surveying the general post-election environment.

End of mission debriefing

STOs take part in a joint debriefing at the end of their mission. The debriefing is led by the DCO with the presence of the SP for the relevant parts of the agenda and provides an opportunity for the core team and all STOs to share and discuss their findings on the election process and political situation. Similarly, a discussion is held on operational and security aspects with the SP team. STOs are asked to identify possible recommendations for the mission's final report and improvements for future EU EOMs.

6.3.4 *Indicative timeframe for STO deployment*

DAY ONE	
Arrival	Overnight in capital city
DAY TWO	
Observer briefing (Welcome by CO, security briefing, logistics briefing, interacting with media, code of conduct, cultural background)	Overnight in capital city
DAY THREE	
Observer briefing continues (Background information on political context etc; voting and counting procedures; observer report forms)	Overnight in capital city
DAY FOUR	
Deployment and regional briefing	Overnight in deployment location
DAY FIVE	
Familiarisation	Overnight in deployment location
DAY SIX	
ELECTION DAY	Overnight in deployment location
DAY SEVEN	
Observation of counting / tabulation	Overnight in deployment location
DAY EIGHT	
Observation of tabulation / regional debriefing by LTOs	Overnight in deployment location
DAY NINE	
Return to capital city	Overnight in capital city
DAY TEN	
Debriefing by the core team	Overnight in capital city
DAY ELEVEN	
Departure	

6.4 European Parliament election observation delegation

The European Parliament may decide to send delegations to observe elections or referendums being held in third countries. Official election observation delegations from the European Parliament are authorised by the Conference of Presidents of the European Parliament. These delegations have to work in the framework of the EU EOM and present their views on the electoral process and Parliament's position at the post-election press conference to release the preliminary statement of the EU EOM.

Election observation delegations from the European Parliament usually consist of seven members appointed by the political groups in accordance with the rolling d'Hondt system. European Parliament election observation

delegations are made up of members of the European Parliament only, accompanied by staff from the Secretariat and from the political groups.

- Election day observation is conducted under the inclusive umbrella of the EU EOM.
- In dealing with third parties and the press, and in full respect of the Code of Conduct for Members observing elections, it is the responsibility of the delegation's Chair to make Parliament's position clear. Such statements may not contradict the views expressed in resolutions adopted by Parliament and chairs do not speak for the Parliament, but only for the delegation in question.
- Election observation delegations arrive in the country where elections are taking place two to three days before the date of the election. Members of election observation delegations follow a working programme (including briefings and meetings with the authorities, political parties and candidates, election officials, NGOs, etc.), prepared with the EU EOM's assistance. Members play an active role on the day of the election, attending polling stations and observing the opening, voting, closing and counting.
- Each Member appointed to take part in a European Parliament election observation delegation signs the Code of Conduct for Members of the European Parliament participating in election observation delegations and strictly abides by its provisions.
- European Parliament election observation delegations abide by the Code of Conduct for International Election Observers, endorsed by the European Parliament on 16 May 2007.

The EU EOM facilitates the work of the European Parliament election observation delegation by organising a working programme for the delegation (including briefings and meetings with main stakeholders of the electoral process) and a deployment plan. The EU EOM also provides for advice on security, and support in logistics and administration, based on a separate budget from the European Parliament.

European Parliament election observation delegations are an important pillar of the EU EOM and they enhance the visibility of the EU's election observation efforts.

6.5 National support staff

6.5.1 Recruitment of national support staff

National support staff are an essential part of an EU EOM. The number of positions for national staff is identified in the terms of reference, based on the recommendation of the exploratory mission. Suitable candidates are identi-

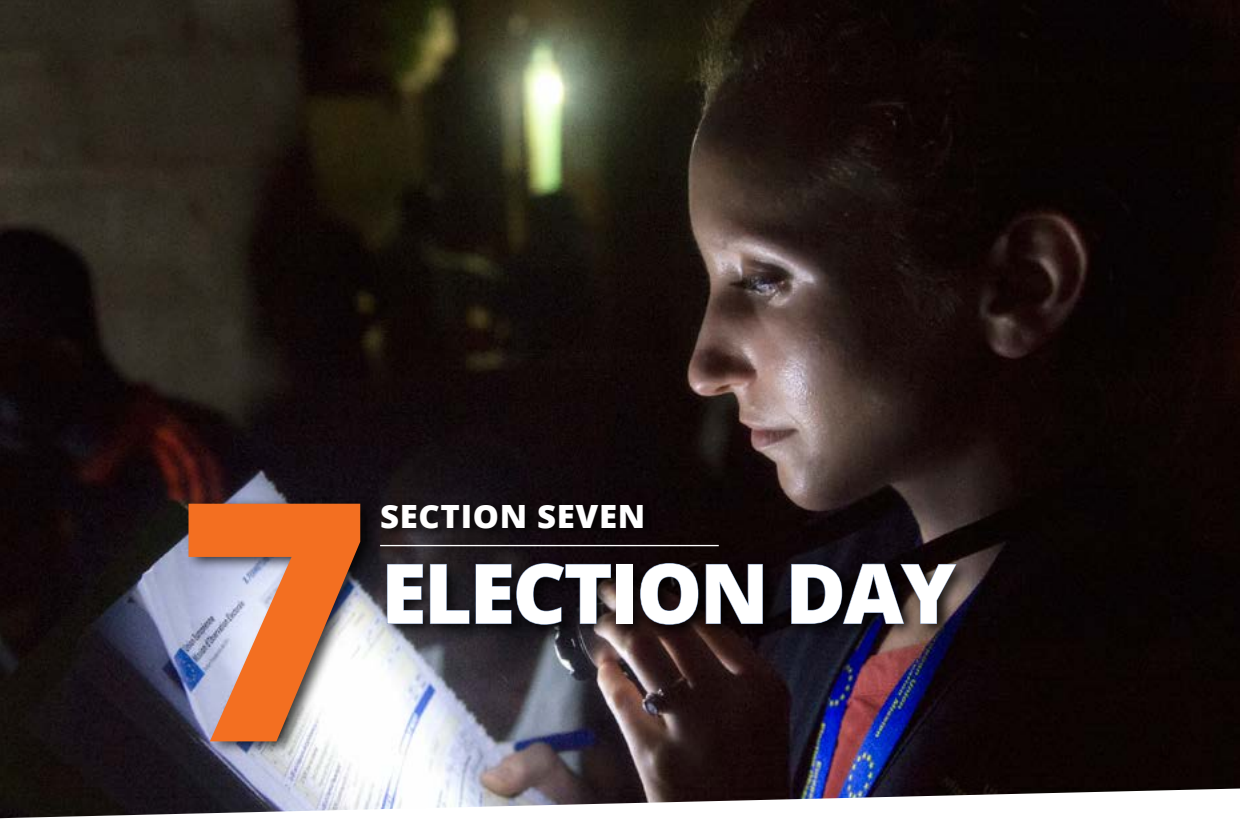
fied by the SP for core team members to interview and decide on selection. The SP then contracts those who are chosen. Every reasonable effort should be made to enable national staff to vote on election day. Where there are different official languages spoken in the host country, it is necessary to ensure that the mission has interpreters able to speak all languages. Consideration should be given to the gender and ethnic balance among national support staff.

National staff are briefed by the core team and SP on their role and responsibilities, with particular emphasis on requirements for confidentiality and neutrality and the need for flexibility in terms of working hours. National staff should conduct themselves in a politically impartial and objective manner at all times, regardless of their private political opinion or views on the electoral process. Throughout their employment with the EU EOM, national staff should not be involved in partisan campaign activities or take any action that could cause the mission's impartiality to be questioned. Their contracts should include a clause on confidentiality and absence of conflicts of interest.

6.5.2 National staff positions

- Core team and SP assistants/interpreters are responsible for supporting the designated core team and SP member in their functions, including interpretation and translation to and from the working language of the EU EOM. All interpreters should be provided with a glossary of election terms translated into the relevant language(s).
- Media monitors are responsible for preparing quantitative and qualitative data on the media coverage of the election. They are trained and supervised by the EU EOM media analyst.
- LTO assistants/interpreters and STO assistants/interpreters are responsible for supporting LTO or STO teams in the field. They should have good local knowledge of the area of responsibility and be able to interpret/translate as necessary.
- Core team and SP administrative support staff (e.g., receptionist, guards, etc.) should be able to communicate effectively in the working language of the EU EOM and are managed by the SP.
- Drivers (for the core team, SP, LTO and STO teams) are required to be licensed and prove their competence to drive safely. They must follow the driving guidelines issued to them.

Temporary national staff may also be hired for specific professional tasks such as translation of public reports, interpretation at media events, and provision of expert advice on the legal framework.



7 SECTION SEVEN
ELECTION DAY

7.1 Overview of EU observation of election day

The aim of election day observation is to assess whether voting, counting and tabulation are conducted in accordance with election legislation and international standards. In this regard, EU observer teams are deployed to locations across the host country to assess whether:

- all eligible voters are provided with the opportunity to exercise their right to vote, and there are no restrictions on their freedom of movement;
- equal suffrage is respected;
- the right to a secret ballot is enjoyed;
- election officials perform their duties effectively, impartially, without interference and in a transparent way;
- voting, counting and tabulation are conducted in a peaceful and orderly atmosphere, so that voters are freely able to make their choice, and there are no incidents of violence or intimidation;
- election oversight actors, including party/candidate representatives, citizen non-partisan observers, international observers and the media, are able to carry out their duties without interference;
- detailed results at all levels are published accurately and promptly after the votes are counted, and broken down to the lowest possible level; and

- the aggregation and tabulation of results by higher level EMBs takes place accurately, transparently and promptly.

EU EOM coverage of election day is principally provided by STO and LTO teams. Coverage is often strengthened by the inclusion of locally-recruited observers from EU embassies in the host country, as well as by visits to polling stations by the core team. The EU EOM is often joined on election day by members of an election observation delegation from the European Parliament. All observer teams are coordinated in their area of deployment by the designated LTO team under the supervision of the observer coordinator and the DCO.

An EU observer team should arrive at the first polling station in time to observe the opening procedures. Following the opening, observers travel to different polling stations to observe voting. An observer team usually visits around eight to twelve polling stations on election day. A minimum of 30 to 40 minutes in each polling station is required, although the observer team may stay longer in a polling station, or return later to the same polling station. The observer team then attends the closing of a polling station, and stays to observe the counting of votes (in some countries observers move to counting centres), a process that may take many hours. Throughout this work, the observer team provides regular reports to their designated LTO team, who report to the core team. Each observer team is required to provide frequent information on its location and next planned movement, in case of a security alert.

Each EU observer team visits different locations and some may see many problems with the process, while others may see no problems. EU election observation methodology ensures that the mission's assessment is not dependent on the observations of one team; instead there is a collective assessment based on information from a large number of independent and impartial observers working across the country.

Do's and Don'ts on election day

DO:

Travel cautiously on roads at all times
Report any violent incident or serious irregularity immediately to the LTOs or core team
Take careful notes of observations
Make a clear distinction between incidents observed directly and those reported by others
Respect confidentiality and treat sensitive data with care
Report any refusal to allow observers into a polling station immediately to the LTOs
Make realistic and objective assessments and be prepared to explain your findings
Complete an observer checklist for each polling station visited

DON'T:

Do not take undue risks
Do not provide advice or assistance to the election authorities
Do not engage in any activity that creates a conflict of interest with observer duties
Do not compromise the voters' right to a secret ballot
Do not sign official documents unless required to do so by the core team

7.2 Election day deployment and reducing sample bias

Election day observation is based on observers visiting a sample of polling stations, where they fill in an observer form that includes points for assessment. The choice of the sample and the accuracy of the observation are more important than the number of polling stations observed. In particular, the following steps can be taken by observers to limit bias in the sample of data points (polling stations) on election day:

- Observers should follow guidance provided by the core team on polling station selection;
- Observers should visit no more than two polling stations of the same polling centre;
- Observers should always remain in pairs for observation of polling stations;
- Observers should remain in a polling station at least 30 minutes;
- Observers should observe specific polling stations assigned to them (minority areas, prisons or military bases), but should follow guidance provided so that these polling stations are not over-weighted.

7.3 Observer report forms

Each observer receives a series of observer report forms or an electronic device containing a checklist of questions on key aspects of the election day process. The forms ensure that observer teams from across the country use consistent criteria for observing and reporting. The information from these forms enables the core team to produce an analysis, from which it can draw conclusions on the conduct of election day.

Observers are provided with a comprehensive briefing and guidelines on how to use the forms. Each observer team completes one form per team for each visit to a polling station. Separate 'Comments' sections allow observers to make written comments on their observations, or to record any significant event or irregularity that they observed or have had reported to them. Where further detail is needed, observers may prepare a 'flash report' on the event that is submitted immediately to the EU EOM headquarters.

7.3.1 Types of forms

Observers are provided with a report form for each of the different stages of their election day observation, for example:

- Opening (Form A): includes a checklist of questions on the procedures for opening a polling station;

- Voting (Form B): includes a checklist of questions on the environment around a polling station, the voting procedures, the atmosphere inside a polling station, and an overall assessment of voting and the work of polling station staff;
- Closing and Counting (Form C): includes a checklist of questions on the closing procedures, a checklist of questions on the procedures for counting votes and posting results, and an overall assessment of closing and counting;
- Closing (if there is a separate counting centre - Form D): includes a checklist of questions on the closing procedures and an overall assessment of closing;
- Counting (in a counting centre – Form E): includes a checklist of questions on the procedures for counting votes and publishing results at a counting centre, and an overall assessment of counting at a counting centre;
- Tabulation (Form F): includes questions on the transfer of polling materials and the procedures for aggregating results.

Template forms for observation of opening, voting, closing and counting are shown in Annex 2.

7.3.2 Preparation of observer forms

The checklists used to assess the conduct of election day proceedings are largely following a standard pattern, but must nevertheless reflect the specificities of the elections observed. Consequently, the checklists for use in each EU EOM are prepared based on templates, which contain a core of standard questions. EU EOM core teams use the templates as a starting point and customise them according to the specific election procedures and context of the country where they are observing. Customisation is done through software developed by the EODS project.

The changes made to the forms in the software by the core team are automatically reflected in the country-specific observer forms, which can be printed for paper-based observation or can be uploaded on observer tablets or other devices. The customisation by the core team consists of:

- adjusting questions to the local election terminology;
- adjusting questions to the election legislation and regulations of the country (people present, election material, ID documents required, etc.);
- adding questions regarding procedures or issues specific to the country and election observed;

- adding questions regarding specific equipment used for the country's elections;
- removing questions not applicable to the country's elections;

The order of the sections and the scales for assessment on the templates provided cannot be changed by the core team.

Within an EOM core team, the election analyst has lead responsibility for the customisation of the forms, with support from the data analyst. Draft customised forms are then approved by the DCO.

7.3.3 Transmitting observer report forms/checklists

Observers complete forms and transmit them to the EU EOM headquarters at regular intervals during the day. Observers are briefed on the procedures for transmitting forms/checklists to the EU EOM headquarters by the core team, and their designated LTO team.

Observer teams using an electronic device for filling-in the forms/checklists are also given paper-copies of the observation forms as back-up. Their LTO team informs them about network coverage and connectivity in their AoR. For observers operating in areas where connectivity is not stable, LTOs suggest suitable time and place for transmission. Connectivity aspects are checked by observer teams before election day, during AoR familiarisation.

7.4 Observation of voting[1]

7.4.1 Observations outside polling stations

When approaching and entering a polling station, observers should assess the general situation and atmosphere outside and around its location. Possible issues to be aware of include:

- is the polling station accessible for voters with disabilities?
- are there crowds around the polling station? If so, are people waiting to cast their ballot or are they there for another purpose? Are the crowds being kept in order?
- is security personnel present, and, if so, is it behaving in an appropriate manner (e.g., not harassing voters or using excessive force)?
- is there any evidence of tension, intimidation or other disturbance outside the polling station?

1 See *General Guidelines for Observers when visiting Polling Stations* (Council Decision 9262/98 at Annex III of the 2000 *Communication on Election Assistance and Observation*).

- is there any campaigning near the polling station? Does it breach regulations on campaign exclusion zones?
- are there signs of any irregularities, such as voters being offered inducements to vote for a particular candidate or party?
- are voters being transported to the polling stations by buses? If so, who is providing the buses and from where are the voters travelling?

7.4.2 Meeting polling staff

Upon entering the polling station, observers should introduce themselves and their interpreter/assistant to the official in charge and show their accreditation. Observers should explain their role, including that they will have questions to ask but will not interfere in the voting process. Out of courtesy, observers should ask for agreement to observe in the polling station.

In the exceptional circumstances that a polling station official refuses the observer team permission to observe, objects to their presence or gives instructions that prevent effective observation from taking place, the observer team should explain that they are accredited observers and have been invited to observe on election day by the EMB and the government or the authorities. If permission is still refused, the observer team should leave the polling station. Once outside, the observers should inform their designated LTO team. The incident should also be recorded in a 'flash report'.

At all times, observers should be courteous, and should ensure that their conduct outside and inside a polling station is beyond reproach. Interpreters/assistants should act in a similar manner. Observers should exercise restraint, where food and alcoholic drink is offered at polling stations. When leaving a polling station, observers should offer their thanks to the official in charge for their assistance.

7.4.3 Observations inside polling stations

Observers should position themselves for a good view of voting procedures and should also move around the polling station to gain different perspectives. Whenever possible, observers should speak with a number of different polling station officials, particularly when the polling station committee includes representatives of different political parties. EU observers should also try to speak with others who may be present, including party/candidate representatives, and citizen observers. These people, who often remain in the same polling station all day, may provide helpful information on the environment at the polling station and whether problems have occurred.

Issues to consider raising with polling station officials

Polling station information

- What is the official name and number of the polling station?
- How many voters are registered at the polling station?
- Is the voter list for the polling station available for voter information?
- Are there any supplementary voter lists in use?
- How many people have voted so far at the polling station?

Organisation and structure of the polling station committee

- Are all polling officials present?
- How were the polling officials selected? What is their usual employment?
- Do the polling officials represent political parties?
- Do any of the polling officials have experience with previous elections?
- Did the polling officials receive formal training? What was covered in the training? Did they regard the training as effective? What other training would they like to have received?
- How are the tasks of the polling committee divided among its members?

Essential materials

- Are there sufficient quantity of ballots and other polling materials?
- When were the ballots and other polling materials received? Have they been kept secure at all times?
- How many ballots were received by the polling station?

Others present

- Are party/candidate representatives present? Are they accredited?
- Are citizen election observers present? Are they accredited?

Problems and complaints

- Has the polling station committee experienced any problems? Has the polling station committee received any complaints? If so, from whom and how were they addressed?
- Have any voters been turned away? If so, on what basis?

Observers should assess whether polling officials appear well-trained and familiar with their responsabilities; if the polling officials are performing their duties impartially and free from pressure; and whether observers and party candidates representatives are being effective in their role.

7.4.4 Observing the opening of a polling station

The STO team should arrive at their first polling station at least 30 minutes ahead of opening in order to observe opening procedures. The EU observer report form (Form A, see Annex 2) details the key procedures to be followed. For the opening process, observers should generally note whether:

- opening procedures are complied with;
- all essential materials are present;
- the ballot box was empty at the time of its sealing; and
- the polling station opened on time.

7.4.5 Observing voting procedures

Using their observer report forms (Form B, see Annex 2) as guides, STOs should carefully observe all procedures at the polling station. Voting procedures differ considerably among countries, however, there are some general issues of which to be aware.

Points of inquiry: voting

Compliance with the law:

- Are polling station officials conducting voting in accordance with the procedures?

Impartiality of polling station officials:

- Is there evidence that the polling officials are acting in a partisan manner?
- Are there any campaign materials present inside the polling station?

Polling station atmosphere:

- Is the polling station operating in an orderly manner? Is there any overcrowding inside the polling station?
- Are there any delays in the processing of voters?
- Is there evidence inside the polling station that pressure is being exerted upon voters or inducements are being offered?
- Is there an atmosphere of intimidation or tension inside the polling station?

Persons present inside the polling station:

- Are there police, security forces or government officials present inside the polling station? Is their presence justified? Were they invited in by election officials and if so for what reason? Is their conduct appropriate?
- Is any person present in a polling station whose presence is unauthorised?
- Is any person other than a polling station official directing the work of the polling staff?

Where voters are required to show identification:

- Are all voters being required to produce the correct ID documents?

Where voter lists are used:

- Are polling officials checking if the voter is included in the voter list before allowing him/her to vote?
- Are measures implemented to prevent multiple voting (*e.g.*, marking the voter list, checking for/applying indelible ink)?

- Are people being turned away for any lawful reason?
- Are people being turned away with no lawful ground?
- Are people being allowed to vote without proper ID/passport or without being on the list?
- Is there a supplementary list of any sort?

Where voters are required to sign the voter list:

- Are voters consistently being asked to sign the voter list?
- Are these visibly identical signatures?

Ballot papers:

- Are unmarked ballots being kept securely?
- Where ballots must be stamped or signed by polling station officials, are they being stamped or signed in accordance with instructions?
- Are voters being given the correct number of ballots?

Ballot box:

- Is the ballot box properly sealed?
- Is the ballot box in use in full view of all polling station officials, observers and voters?
- If there are any full ballot boxes, are they stored securely?

Right to a secret vote and assisted voting:

- Are voters provided with the opportunity to vote in secrecy using polling booths or similar arrangements? Does the layout of the polling station or structure of the polling booth breach secrecy?
- Are polling station officials ensuring that voters do not enter a polling booth together or mark their ballots outside of the polling booth?
- Are voters requiring assistance able to receive it? Is the number of persons requiring assistance unusually high?
- Is the assistance being provided in accordance with the law?
- Are the same people assisting many voters?

Understanding of procedures:

- Do polling station officials appear to have sufficient knowledge of the procedures?
- Do voters appear to understand the procedures? Is there any confusion (*e.g.*, over complex ballot papers, use of new voting machines, materials in another language)?

Participation of women:

- Are women voters able to vote freely and in secret?
- Are there female polling officials, observers and party/candidate representatives?
- Is there a good turnout of women coming to vote? If not, what reasons are given for this?

Participation of minorities:

- Are voters from minorities able to vote freely and in secret?
- Are there polling officials, observers and party/candidate representatives from minority groups?
- Is there a good turnout of people from minorities coming to vote? If not, what reasons are given for this?

Possible problems:

- Is there any evidence of disturbance?
- Is there any evidence of any procedural and/or criminal irregularity? Examples can include:
  - 'multiple voting', where persons are voting more than once;
  - 'stuffed ballot box', where a ballot box is unusually full or where ballots can be seen to have been placed in the ballot box in an unusual manner, *e.g.*, without being folded or several ballots folded together;
  - 'carousel voting', where voters use pre-marked ballot papers given to them outside of the polling station;
  - 'proxy voting', where voters cast ballots for others without formal permission;
  - 'voter impersonation', where the person voting is not the person registered as a voter;
  - 'under-age voting', where persons voting are clearly too young to be eligible to vote;
  - 'group voting', where more than one person votes in a booth at the same time;
  - 'family voting', where one family member votes on behalf of other members of the family;
  - 'open voting', where voters mark their ballots outside of the polling booth.

7.4.6 Observing special voting procedures

Some observer teams may be asked to follow special voting procedures, such as early voting, mobile voting, military voting, prison voting, etc. Such work may involve variations of the standard methodology for observation of election day, but still focuses on whether the special procedures are implemented in accordance with the law and international standards so that the electoral rights of citizens are protected. The core team provides specific guidelines on the observation of special voting procedures relevant to the host country.

7.4.7 Observing the closing of a polling station

The observer team should arrive at their last polling station at least 30 minutes ahead of the scheduled closing time. The observer report form (Forms C or D, see Annex 2) details the key procedures to be followed, which include looking at whether:

- closing procedures are complied with;
- the polling station closed on time;
- any voters waiting in line at closing time were allowed to vote;
- the ballot box is closed and the slot sealed as soon as voting ends;
- the number of voters who voted at the polling station (i.e. number of signatures on the voter list) is counted;
- the number of unused ballot papers is counted;
- unused ballots are immediately rendered invalid and secured.

7.5 Observation of counting

After the polling station is closed, the observer team looks at how the votes cast in that polling station are counted (Forms D or E). In some countries, the ballot box(es) may be transferred from the polling station to a counting centre, in which case the STO team should follow the transfer of the ballot box(es) from the polling station to the counting centre.

Points of inquiry: counting

In cases of counting at polling stations:

- Does the counting of ballots take place immediately after the closing of the polling station (*i.e.*, without a break for food or other purposes)?
- Have there been any opportunities for interference with the ballot box(es) that could breach their integrity?

In cases of counting at counting centres:

- Are there any opportunities for interference in the security of the ballot box(es) during the transfer (*e.g.*, the ballot box was not taken directly to the counting centre)?
- Are the procedures for handing over the ballot box and other materials to the counting centre followed?
- Is there any delay between the receipt of the ballot box(es) and the start of counting?
- Is the ballot box(es) secure at all times after transfer?

Counting officials:

- Are counting officials conducting the count in accordance with the procedures?
- Is there any evidence that the counting officials are acting in a partisan manner?

Atmosphere during the count:

- Is the count being conducted in an orderly manner? Is there any overcrowding?
- Is there a delay in the counting of votes?
- Is there evidence of pressure being placed upon counting officials or others who are present?
- Is there an atmosphere of intimidation or tension at the count?

Persons present at the count:

- Are there police or security forces present at the count? Is their presence justified? Is their conduct appropriate?
- Are citizen observers and party/candidate representatives present and, if so, are they able to observe the full counting process?
- Is any person present at the count whose presence is unauthorised?
- Is any person other than a counting official directing the count?

Reconciliation and counting of votes:

- Was the ballot box opened and votes counted in the presence of all counting officials, party/candidate representatives and observers?
- Is the total number of ballots inside the ballot box counted before votes for individual parties/candidates?
- Does the number of ballot papers inside the ballot box reconcile with the number of persons who are recorded as having voted?
- Are all counting officials, party/candidate representatives and observers able to inspect ballots to see how they have been marked?

- Are all ballots that indicate the clear choice of the voter considered valid?
- Is ballot validity determined in a consistent and consultative manner and in accordance with the law?
- Are there any ballots that are marked in a manner that could identify the voter and thereby violate the secrecy of the vote (*e.g.*, unusual markings that could be used for identification)?
- Is there evidence of discrepancies in the results?
- Do the results accurately reflect the votes counted? Are the results recorded accurately in official protocols?

Understanding of procedures:

- Do counting officials appear to have sufficient command of the procedures?
- Do observers and party/candidate representatives appear to understand the procedures and their role?

Problems and complaints:

- Is there any evidence of any procedural and/or criminal irregularity, such as 'stuffed ballot boxes'?
- Have there been any formal complaints relating to the counting process?
- Does any counting official, party/candidate representative dispute the accuracy of the results?
- If there is a dispute over the validity of a particular ballot or ballots, how is this resolved?

Results protocols

The results from the counting of votes are recorded in official results protocols, which require all significant data, such as the number of people who voted, the total number of ballots cast, the number of votes for each candidate and the number of invalid votes. The protocol may also be used to identify discrepancies in the results. Counting officials and persons present at the count may be required to sign the results protocol. Key issues in relation to the results protocol are:

- Was the results protocol completed by competent counting officials without confusion?
- Was the results protocol completed accurately and in detail?
- Did anyone refuse to sign the protocol or attach an objection or complaint?
- Are official copies of the results made available to party/candidate representatives and observers?
- Is an official copy of the results immediately posted for public inspection?

Each observer team should record the results of the polling station where it observed the counting of votes and obtain a copy of the results protocol, if possible. The information contained within it can be used by the EU EOM for possible cross-checking of the results of the election.

7.6 Observation of the tabulation process

Observing the tabulation is particularly important, since errors or irregularities committed during this phase can have a far greater effect on the overall election results than problems at individual polling stations. After the votes at polling stations have been counted, the results are transmitted to a higher level EMB or tabulation centre, where they are aggregated to determine which parties/candidates are successfully elected. There may be several stages in a tabulation process, all of which should be undertaken in a prompt and fully transparent manner. Observer teams may be required to undertake the following tasks:

- accompany the physical transfer of electoral material, including the results protocol, from the counting location to a tabulation centre and observe the handover of electoral material at the tabulation centre;
- observe the process of tabulating results and, in particular, that results of the vote count are honestly and accurately included in the tabulation;
- assess whether the tabulation process is undertaken in a transparent and consistent manner;
- note whether detailed polling station results are published at every level of the election administration as soon as they are available, including the number of votes for each candidate or political party, and the number of invalid votes;
- obtain copies of the tabulated data for cross-checking purposes.

The tabulation of results may be undertaken electronically or via a computer network to a centralised tabulation centre, which may create access difficulties for observers. The observer team should seek permission from the election official in charge to see the procedural steps for the electronic tabulation of results, including receipt and inputting of data.

The EU EOM may assign dedicated STO teams to tabulation or counting centres, or several STO teams may be assigned to work in shifts, in order to observe the full tabulation process after election day. In such cases, the core team will issue specific guidelines.

7.7 Analysis of observer data

The data analyst analyses the data from the observer forms as they arrive at the EU EOM headquarters. Observer forms feed into a database that includes all the checklist questions. The database allows the data analyst to consider the number of sample points for each type of form, and how robust the sample is as a result. The data analyst reviews where observation has taken place to check for any sample bias – for instance if certain regions/cities are over- or underrepresented, or the ratio of rural to urban observations is skewed.

The resulting election day analysis provides the core team with a reliable insight into the conduct of election day and, in particular, whether there are patterns of irregularities and, if so, whether they were isolated or systematic, regional or national. Statistics are also produced on specific procedural aspects, so that the core team can determine whether any particular point in the process may have been problematic.

The data analyst performs cross tabulations and specific queries into the observation database on their own initiative and upon request from other core team members, especially the election analyst and DCO. The core team also reviews all additional comments submitted by observers, and follows up directly with the teams concerned, as necessary.

The conclusions produced by the analysis of the observer data are reflected in the election day findings of the preliminary statement. The analysis also provides a basis for the debriefing of STOs, when the statistics can be linked to the experiences of observers to establish a more comprehensive picture. A comprehensive analysis of the observer data is prepared by the data analyst as a separate report.

7.8 Post-election day observation

As part of its assessment of the immediate post-election day period, the EU EOM directs LTOs and STOs to undertake a range of tasks including:

- checking whether results are posted at polling stations/counting centres and are published at all levels of the EMB in the AoR;
- when possible, cross-checking the accuracy of published results to the results posted at polling stations;
- observing the work of counting or results tabulation centres, where this is on-going;
- meeting with interlocutors and seeking their opinions on election day and the post-election day period and improvements that can be made to the framework and conditions for elections;
- following any complaints or appeals submitted and the adjudication process;
- observing the general post-election day environment, including observation of possible post-election protests or demonstrations, security permitting;
- identifying any indications of possible political tensions among electoral stakeholders;
- reporting and tracking election-related incidents or problems such as violence, intimidation and harassment, including acts of political retribution.

The EU EOM core team provides guidance to LTOs and STOs on how to report back on post-election developments. For any urgent issues, a flash report may be submitted.

SECTION EIGHT

8 REPORTING

8.1 Guidelines for reporting by EU EOMs

Reporting is a crucial element of the work of the mission. All reports produced by the EU EOM should meet the highest possible standard. Attention should be paid to ensuring that all information is accurate and objective and based on credible sources, which can be substantiated with concrete examples and when possible with references to sources. All mission reports should make clear what has been directly observed by EU observers, and what has been reported to them by interlocutors. While an EU EOM may refer to information from interlocutors that comes from credible or multiple sources, information that has no supporting evidence or comes from a single partisan source should be clearly indicated as such. Some information from interlocutors may be sensitive and need to be treated in confidence, with anonymity of a source being protected.

Mission reports should be concise, within the specified length, and written in clear language. They should follow a consistent structure, using the guidelines and templates that are provided by the EEAS. When making reference to international standards for elections, a report should source the reference, detailing the relevant universal and/or regional instruments, to show that these are being used as the basis of the EU EOM assessment.

8.2 Interim reports

The EU EOM core team produces interim reports that provide a regular update and analysis of all relevant electoral developments. The reports are usually produced every 10 days over the course of the deployment of the EU EOM. They are internal EU documents, distributed only to EU institutions and EU Member States.

8.2.1 Purpose of interim reports

Interim reports provide an overview of all aspects of the electoral process assessed by the EU EOM during the reporting period. These include political developments, preparations for the elections, voter registration, candidate registration, the campaign, the media, election-related complaints, human rights issues and the participation of women and minorities. Interim reports also provide key information on the elections and updates on mission activities, such as the deployment of LTOs and STOs to the field.

The information and analysis contained in interim reports should provide a basis for the findings and conclusions outlined by the EU EOM in its preliminary statement and final report. However, an interim report offers only preliminary analysis that is based on information available at the time and, thus, cannot be distributed publicly or to any persons or organisations outside the EU structures.

8.2.2 Preparation of interim reports

Interim reports are drafted by the DCO based on contributions from core team members and the summary of LTO weekly reports. The timing of the interim reports is incorporated in to the EU EOM calendar and corresponds with the reporting schedule for LTOs. Interim reports should not exceed nine pages, including a one-page executive summary. A draft of the interim report is shared with the EEAS Democracy and Election Observation Division for comments to ensure quality and consistency in observation and reporting methodology. The CO takes the final decision on the final text of the interim report.

8.2.3 Other internal reports

The EU EOM may produce flash reports on events or developments that happen outside of the reporting schedule and need to be brought to the urgent attention of the EU structures. These reports supplement interim reports, but do not replace them. The EU EOM will also produce operational reports that cover logistical issues and the work of the SP during the course of the mission.

8.3 Preliminary statement

The preliminary statement is the first post-election assessment by the EU EOM and is usually issued at a press conference within 48 hours of the close of polling. It is generally the highest profile output of the mission, attracting significant levels of political, diplomatic and media interest. The preliminary statement is a public document and should be written to be read by election stakeholders in the host country (candidates, political parties, civil society, journalists and voters) as well as an international audience. Working towards a credible preliminary statement should be a primary focus for all core team members and observers during their work on the mission. When issued, the CO stresses the *preliminary* nature of the statement and underlines that the EU EOM continues its observation of post-election developments and will issue its overall assessment later in its final report.

8.3.1 Purpose of the preliminary statement

The preliminary statement outlines the EU EOM's preliminary findings and conclusions on the stages of the electoral process that have taken place, and the extent to which the mission considers the election has so far been conducted in line with international standards for elections. As such, the preliminary statement establishes an important indicator for electoral stakeholders of the credibility of the election process. It is important that the mission highlights that it continues to observe the completion of the counting and tabulation of votes (where on-going), the publication of results, the resolution of any complaints or appeals and the wider post-election environment.

If there are significant problems with the post-election period, the EU EOM may choose to release a second preliminary statement ahead of the final report, to provide preliminary findings and conclusions on such issues as the results process, complaints and appeals processes or the post-election political environment.

8.3.2 Preparation of the preliminary statement

The preliminary statement is drafted by the DCO on the basis of contributions from the core team and findings of LTOs. It should follow the guidelines and template provided by the EEAS. Given the tight and immovable deadlines in place over an election day period, preparing a preliminary statement is a challenging task that requires a structured process of drafting, reviewing and finalisation that should start well ahead of election day.

An initial draft of the preliminary statement is shared with the EEAS Democracy and Election Observation Division for comments at least 48 hours before release, to ensure quality in reporting and consistency in implementing the methodology. Comments of the EEAS Democracy and Election Observation Division should be taken into consideration. Shortly before re-

lease, the findings of EU observers on election day are added. The ultimate responsibility for the final text rests with the CO.

The preliminary statement should be translated into the official languages of the host country. As far as possible, it should not exceed nine pages, including a bullet point summary at the beginning. The preliminary statement should provide a clear overall conclusion, outlined in a 'headline conclusion' and the first bullet point. The statement is accompanied by a press release that provides an overview of the mission's findings, along with quotes from the CO and the leader of the EP observer delegation.

8.3.3 Sharing the preliminary statement

The preliminary statement is the independent assessment from an EU EOM. In due time before it is made public, the CO consults with the Head of the European Parliament election observation delegation, if one is present, with a view to the delegation's endorsement of the preliminary statement. There may also be circumstances where the mission liaises closely with other observer missions before issuing the preliminary statement. It is also common practice for observer groups who are signatories of the *Declaration of Principles for International Election Observation* to share their findings prior to the release of the preliminary statement.

One hour ahead of the press conference, a copy of the preliminary statement might be provided to the State and electoral authorities (usually the head of the EMB and the Ministry of Foreign Affairs) with whom memorandums of understanding have been signed. It should be made clear, however, that the preliminary statement is being provided as a courtesy only, and that under no circumstances will the EU EOM change or negotiate the contents.

The preliminary statement should be finalised in sufficient time to ensure it is translated and photocopied for the press conference. Immediately upon its release, the statement (in the languages in which it was produced) should be placed on the mission website. Copies should be distributed to the national and international media, as well as local interlocutors. The statement should also be distributed to LTOs for their information and, in appropriate languages, shared with interlocutors in their AoRs.

8.4 The final report

The final report contains the EU EOM's overall assessment of the election and is normally issued within two months of the completion of the electoral process. The report plays a highly important technical and political function in providing a comprehensive and independent assessment of the election process. As with the preliminary statement, the final report is a public document. This means that it should be written with a view to be read by all election stakeholders in the host country, as well as by an international audience.

8.4.1 Purpose of the final report

The final report details the EU EOM's overall findings and conclusions on the election process, and its assessment of the degree to which the election was conducted in accordance with international standards. A key feature of the final report is the detailed and constructive recommendations it offers to improve the framework and conduct of future elections and strengthen democratic institutions. In this context, it also serves to identify possible areas for EU-supported electoral assistance.

8.4.2 Preparation of the final report

Drafting of the final report is undertaken by the DCO, under the direction of the CO, based on contributions from the core team and LTO findings. The final report is prepared in accordance with the guidelines and template provided by the EEAS Democracy and Election Observation Division. A draft of the final report is shared with the EEAS Democracy and Election Observation Division for comments to ensure the quality of reporting and consistency in implementing reporting methodology. Comments of the EEAS Democracy and Election Observation Division should be taken into consideration. However, ultimate responsibility for its content rests with the CO. In contrast to the brevity of the preliminary statement, the final report provides more detailed analysis and description of technical issues, which should be clearly explained. In order to ensure accessibility for all stakeholders, the final report should avoid highly technical language or jargon. Whenever relevant, the final report should refer to and quote relevant international and regional standards for democratic elections.

The final report builds upon the conclusions made by the mission in its preliminary statement. If the overall assessment of the mission has changed in any way from the preliminary assessments – for example if a generally 'positive' preliminary statement has become a 'negative' final report because of post-election problems with results or violence – the final report should clearly explain the reasons for this change.

The final report is usually prepared during the closing period of the mission, and a first draft of the report should be prepared before the departure of the core team. If there are on-going political and electoral developments (such as delays in the results process, the resolution of complaints or any post-election instability), it may be necessary for the draft to be updated after the return of the core team home. The final report is produced in English, French or Spanish and translated into the official languages of the host country to make it as broadly accessible as possible. It is placed on the EU EOM website.

8.4.3 Recommendations

Recommendations to improve the electoral process are a crucial part of the EU EOM's final report. They are likely to be used in the assessment of future elections and the wider democratisation process in the host country observed. The EU will seek to follow up on the implementation of the recommendations, and often designs its electoral assistance or good governance programmes drawing on the EU EOM's recommendations. An EU EOM is well-placed to provide important insight as to where electoral assistance is necessary, feasible, and useful.

In its final report, an EU EOM makes recommendations for improvements to the electoral process in line with international standards and best practices for democratic elections. Each recommendation should be constructive, and where appropriate, based on concrete examples of problems identified in the body of the final report. The recommendations highlight where action is needed to address issues (*e.g.*, inconsistency, lack of transparency, lack of resources, or lack of public confidence) that have led to problems during the election process. Recommendations can also be offered where action should be taken to improve the efficiency, effectiveness, and institutional capacity of electoral stakeholders (*e.g.*, the election administration, political parties, civil society, media) and to facilitate the election participation of any disadvantaged groups (*e.g.* women, minorities, disabled persons and IDPs).

Each recommendation should be realistically achievable, assuming there is political will to improve the electoral process ahead of future elections. Recommendations should use clear language and identify the relevant standards they are addressing. At the same time, recommendations should be consistent with the EU EOM mandate and not be overly prescriptive. The core team should identify which recommendations in the final report are priorities for implementation. The timely involvement of the EEAS election desk is essential in ensuring a consistent and coherent EU approach to EOM recommendations. A recommendations chart should accompany the final report as an annex.

8.5 Return visit and release of the final report

The CO and the DCO return to the country to deliver the final report when it is finalised. In the course of this visit, they present the report to the State and electoral authorities, political parties and CSOs. At these meetings, the CO should be prepared to explain the basis of the assessment contained in the report and, in particular, to discuss practical steps for the implementation of the recommendations. After sharing the final report with key interlocutors, the CO should hold a press conference to officially release the final report to the media and the wider public. A press release including quotes by the CO is issued to accompany the release of the final report.

The return visit should also include a briefing for the EU Delegation and Member States and a roundtable for election stakeholders where the findings, conclusions and recommendations can be discussed. The diplomatic briefing is important to establish a shared understanding regarding the final recommendations in particular, as it will be up to the EU Delegation and Member States to plan and carry out activities to support follow-up to the EU EOM recommendations. At the same time, the election stakeholder roundtable is important for fostering local ownership of the EU EOM recommendations, as well as providing an opportunity to explain how international obligations correspond to the recommendations and to enhance stakeholder understanding of the EU EOM methodology.

The return visit, including the briefing for EU actors on the ground and stakeholder roundtable, is organised with support of the EU Delegation.

8.6 Final internal report

The core team produces a final internal report on the implementation of the EU EOM that provides an overview of logistical, administrative and security aspects of the mission, as well as reporting on public outreach activities. The final internal report is prepared in accordance with the mission terms of reference and includes a review of the work of the SP. A specific focus of the final internal report is identification of any lessons learned for improvements to EU EOM programming and methodology. The final internal report is drafted by the DCO. It is submitted to the European Commission and EEAS ahead of the core team final debriefing in Brussels.

8.7 Follow-up to EU EOM recommendations

Follow-up to EU EOM recommendations is a key priority of EU institutions. This interest is illustrated by the *EU Strategic Framework and Action Plan on Human Rights and Democracy* of June 2012, which tasks the Council, the Commission, Member States and the EEAS to "systematise follow-up use of EU Election Observation Missions and their reports in support of the whole electoral cycle, and ensure effective implementation of their recommendations, as well as the reports of other election observation bodies."[1] The *EU Action Plan on Democracy and Human Rights 2015-2019* has further committed the EU to consolidate best practices for leveraging EU EOMs and OSCE/ODIHIR election observation missions' recommendations in EU and EU Member States political dialogues and democracy support activities[2].

The process of supporting follow-up is a coordinated exercise between various EU institutions. The EU may deploy a follow-up mission in certain cases

1 Council of the European Union, 25 June 2012, 11855/12

2 Council of the European Union, 20 July 2015, 10897/15

to consider whether EU EOM recommendations have been implemented and suggest how further progress can be achieved. At the same time, the EU can encourage the implementation of recommendations through technical assistance to national actors involved in the electoral reform process.

For recommendations to be implemented by national authorities and electoral stakeholders, however, an element of political will is necessary. Where political will for reform is lacking, little progress can be achieved. The European Parliament and EU Member States can help foster the necessary political will through political dialogue, to encourage authorities to address issues that are detailed in the EU EOM recommendations.

8.8 Integration with wider support to democracy and democratisation processes

The Council Conclusions of November 2009 *Enhancing democracy support in the EUs external relations* contained operational clauses requesting the EU institution and Member States to explore options to further develop their working modalities and tools in order to achieve a better impact, *i.e.* deeper democratisation in partner countries where this is a priority in EU's relations. This commitment was taken further in the June 2012 *Human rights and Democracy strategic framework and Action plan.*

During the period 2011 – 2017 in total 20 EU delegations will have contributed to the testing of working methods corresponding to the *Agenda for Action* 2009, which emphasises the importance of better coherence and coordination on the part of the EU and its Member States, in parallel to a deeper understanding of the local context and the creation of real and substantial partnerships with the partner countries.

More attention will be paid to the functioning of parties, parliaments and civil society organisations, in so far as they are capable of voicing and aggregating concerns of voters and citizens. Democracy requires well-functioning institutions, but also empowered actors and sustainable and fair processes.

Election observation missions and their outcomes will be integral building blocks in these processes, and the methodological work put into EOMs should be used to create a sustainable bridge to other support measures aiming at a deeper democratisation in the world.

ANNEXES

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

October 27, 2005

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 organizations. Achieving genuine democratic elections therefore has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

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 recognizing 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 organizations and other credible international election observer organizations, among others.

The intergovernmental and international nongovernmental organizations 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, specialized 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 pro-

cess. 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 organization 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 conductits 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 organization'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 recognizes that international election observation missions may not certify technologies as acceptable;
    c. Guarantees unimpeded access to all persons concerned with election processes, including:
        i. electoral officials at all levels, upon reasonable requests,
        ii. members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections,
    d. 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,
        i. news media personnel, and
        ii. all organizations and persons that are interested in achieving genuine democratic elections in the country;
    e. Guarantees freedom of movement around the country for all members of the international election observer mission;
    f. 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;
    g. Guarantees that no governmental, security or electoral authority will interfere in the selection of in-

dividual observers or other members of the international election observation mission or attempt to limit its numbers;

h. 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;

i. Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and

j. 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 incircumstances 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 recognized 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 organizations 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 organizations. 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 organizations, their findings can provide an important complement to the findings of international election observation missions, although international election observation missions must remain independent. International elec-

tion observation missions therefore should make every reasonable effort to consult with such organizations before issuing any statements.

18. The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize 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 recognize 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 recognize that it is necessary not to isolate or over-emphasize election day observations, and that such observations must be placed into the context of the overall electoral process.

20. The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize 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 organizations also recognize 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. familiarize 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 organizations 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 organization 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 organization 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 recognize that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organizations 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 organizations. Endorsements should be recorded with the United Nations Electoral Assistance Division.

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including long-term and short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

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 elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election- related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behavior

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

PLEDGE TO ACCOMPANY THE CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

I have read and understand the Code of Conduct for International Election Observers that was provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I will respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

European Union
Election Observation Mission
Country YYYY

Form A Opening

Section A: Observer team

A.1 Team number

A.2 Time of arrival

A.3 Time of departure

SECTION B: Polling station identification

B.1 Polling station region

B.2 Polling station district

B.3 Polling station number

B.4 Polling station type ○ Rural ○ Urban ○ Special

B.5 Does this polling station belong to the preselected sample? ○ Yes ○ No

SECTION C: Circumstances outside the polling station

C.1 Is the polling station accessible for voters with reduced mobility? ○ Yes ○ No

C.2 Is there a long queue of voters waiting to vote outside the polling station? ○ Yes ○ No

C.3 Did you observe any particular problem in the vicinity of the polling station? ○ Yes ○ No

C.3.1 If Yes, please specify

☐ Bussing activities ☐ Campaign activities ☐ Campaign material
☐ Indication of vote buying ☐ Intimidation ☐ Unauthorised presence of security forces
☐ Unrest ☐ Violence ☐ Other

SECTION D: Opening

D.1 Did the PS open for voting at hh:mm? ○ Yes ○ No

D.1.1 If No to D.1 the delay was:

○ Between 1-10 minutes ○ Between 11-30 minutes ○ Between 31-60 minutes
○ Over 60 minutes ○ Did not open

*If over 60 minutes delay, please fill in the "Comments" box

D.1.2 If No to D.1, what was the reason for the delay?

☐ Insufficient PS staff ☐ Issue with PS premises ☐ Lack of essential material
☐ Security problems ☐ Unpreparedness of polling station staff ☐ Unrest
☐ Other

D.2 Was the PS layout suitable for voting? (Enough space, light, etc.) ○ Yes ○ No

D.3 Was any of the essential election materials missing? ○ Yes ○ No

D.3.1 If Yes to D.3 , please specify

☐ Ballot boxes ☐ Ballot papers in sufficient number ☐ Envelopes (for material)
☐ Indelible/Invisible ink ☐ Mobile ballot boxes ☐ Polling booth(s)
☐ Protocols ☐ Seals ☐ (Tamper-evident) bags
☐ Voter list ☐ Voting envelopes ☐ Other

D.4 Was/were the ballot box/es shown to be empty? ○ Yes ○ No

D.5 Was/were the ballot box/es shown to be sealed securely? ○ Yes ○ No

D.6 What was the total number of voter registered on the "main" voter list?

D.7 Were ballot papers received counted before voting started? ○ Yes ○ No

D.7.1 If yes, What was the total number of ballot papers received by the PS?

D.8 Was the number of ballot papers received recorded before voting started? ○ Yes ○ No ○ NA

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	Completely	Mostly	Partly	Not at all
D.9 Opening procedures were followed	○	○	○	○

SECTION E: People present

E.1 Polling staff members present

	Male	Female	Absent
Chair person	○	○	○
Deputy chair	○	○	○
Secretary	○	○	○
Member 1	○	○	○

E.2 Party/candidate representatives present

	Male	Female	M & F	No representative
Party 1	○	○	○	○
Party 2	○	○	○	○
Party 3	○	○	○	○

E.3 Citizen observers present

	Male	Female	M & F	No observer
Group 1	○	○	○	○
Group 2	○	○	○	○
Group 3	○	○	○	○

E.4 Was/were any unauthorised person(s) present inside the PS? ○ Yes ○ No

E.4.1 If Yes to E.4, please specify

☐ Army ☐ Local officials ☐ Party official(s)/Candidates
☐ Police (uninvited) ☐ Religious, traditional leaders/authorities ☐ Other

E.4.2 If Yes to E.4, did the PS staff request the unauthorised people to leave the PS? ○ Yes ○ No ○ NA

E.5 Was any of the people present unduly interfering with the work of the PS staff? ○ Yes ○ No

E.5.1 If Yes, please specify

☐ Army ☐ Citizen observer(s) ☐ Local officials
☐ Party/candidate representatives ☐ Party officials/Candidate(s) ☐ Police
☐ Religious, traditional leaders/authorities ☐ Voter(s) ☐ Other

SECTION F: Transparency of the opening process

F.1 Did all people present have a clear view of the opening procedures? ○ Yes ○ No

F.2 Were you able to observe the opening process without undue restriction? ○ Yes ○ No

F.3 Were party/candidate representatives and citizen observers able to observe the voting process without undue restriction? ○ Yes ○ No ○ NA

F.4 Was any formal complaint lodged during the opening? ○ Yes ○ No

F.4.1 If Yes, did the counting polling station staff handle the complaint according to procedures? ○ Yes ○ No

SECTION G: Overall assessment

4=Very good 3=Good 2=Bad 1=Very Bad

	4	3	2	1
G.1 The overall conduct of the opening in this PS was	○	○	○	○

Comments

Please specify the question number at the start of each comment

European Union
Election Observation Mission
Country YYYY

Form B Voting

SECTION A: Observer team

A.1 Team number

A.2 Time of arrival

SECTION B: Polling station identification

B.1 Polling station region

B.2 Polling station district

B.3 Polling station number

B.4 Polling station type ○ Rural ○ Urban ○ Special

B.5 Does this polling station belong to the preselected sample? ○ Yes ○ No

SECTION C: Circumstances outside the polling station

C.1 Is the PS accessible for voters with reduced mobility? ○ Yes ○ No

C.2 Is there a long queue of voters waiting to vote outside the PS? ○ Yes ○ No

C.3 Did you observe any particular problem in the vicinity of the PS? ○ Yes ○ No

C.3.1 If Yes, please specify:

☐ Bussing activities ☐ Campaign activities ☐ Campaign material
☐ Indication of vote buying ☐ Intimidation ☐ Unauthorised presence of security forces
☐ Unrest ☐ Violence ☐ Other

SECTION D: Registered voters

D.1 Total number of voters registered on the "main" voter list

D.2 Total number of voters who had already voted at the time of your arrival

SECTION E: People present

E.1 Polling staff members present

	Male	Female	Absent
Chair person	○	○	○
Deputy chair	○	○	○
Secretary	○	○	○
Member 1	○	○	○

E.2 Party/candidate representatives present

	Male	Female	M & F	No representative
Party 1	○	○	○	○
Party 2	○	○	○	○
Party 3	○	○	○	○

E.3 Citizen observers present

	Male	Female	M & F	No observer
Group 1	○	○	○	○
Group 2	○	○	○	○
Group 3	○	○	○	○

E.4 Was/were any unauthorised person(s) present inside the PS during your observation? ○ Yes ○ No

E.4.1 If Yes to E.4, please specify

☐ Army ☐ Local officials ☐ Party officials/Candidates
☐ Police (univited) ☐ Religious, traditional leaders/authorities ☐ Other

E.4.2 If Yes to E.4, did the PS staff request the unauthorised people to leave the PS?

○ Yes ○ No ○ NA

E.5 Was any of the people present unduly interfering with the work of the PS staff? ○ Yes ○ No

E.5.1 If Yes, please specify:

☐ Army ☐ Citizen observer(s) ☐ Local officials
☐ Party/candidate representatives ☐ Party official(s)/Candidate(s) ☐ Police
☐ Religious, traditional leaders/authorities ☐ Voter(s) ☐ Other

SECTION F: Inside the polling station

F.1 Is the PS layout adequate for the conduct of polling? (Sufficient space/light,...)	○ Yes	○ No
F.2 Does the PS layout sufficiently protect the secrecy of the ballot?	○ Yes	○ No
F.3 Is/are the ballot box(es) in plain view?	○ Yes	○ No
F.4 Is the PS layout suitable to voters with reduced mobility? (Doorways, corridors, booths)	○ Yes	○ No
F.5 Is the PS overcrowded?	○ Yes	○ No
F.6 Is there unrest inside the PS?	○ Yes If Yes, please comment	○ No
F.7 Is there tension inside the PS?	○ Yes	○ No
F.8 Is there any campaign material inside the PS?	○ Yes	○ No
F.9 Is there any campaign activity inside the PS?	○ Yes	○ No
F.10 Is any of the essential material missing?	○ Yes	○ No

F.10.1 If Yes, please specify:

☐ Ballot boxes	☐ Ballot papers in sufficient numbers	☐ Envelopes for material
☐ Indelible/Invisible ink	☐ Mobile ballot box	☐ Protocols
☐ Seals	☐ Stamps	☐ (Tamper-evident) bags
☐ Voter list	☐ Voting envelopes	☐ Other

F.11 Did the PS staff record the number of ballots papers received? ○ Yes ○ No ○ N/A

F.11.1 If Yes, what was the number of ballots papers received in the PS?

SECTION G: Voting procedures

.

	Always	Mostly	Sometimes	Never
G.1 Did the polling staff check the voters' IDs?	○	○	○	○
G.2 Did the polling staff check for traces of ink upon entering the PS?	○	○	○	○
G.3 Did the voters sign/mark the voter list/the counterfoil?	○	○	○	○
G.4 Were voters fingers marked with ink before/upon/after voting?	○	○	○	○
G.5 Did the voters mark/choose their ballot in secrecy?	○	○	○	○

If not "Always", please comment

G.6 Did you see any voter being turned away for a lawful reason?	○ Yes	○ No

G.6.1 If Yes, please specify the reason:

☐ Already voted	☐ Inked finger	☐ No proper ID
☐ Not on the voters list	☐ Out-of-date ID	☐ Other lawful reason

G.7 Did you see any voter being turned away with no lawful ground?	○ Yes *If yes, please comment	○ No
G.8 Did you see any voter without proper ID/passport being allowed to vote?	○ Yes	○ No
G.9 Did you see anyone attempting to influence voters on who to vote for?	○ Yes	○ No
G.10 Did you see voters voting together in the same polling booth?	○ Yes	○ No
G.11 Did you see any indication of ballot box stuffing?	○ Yes	○ No
G.12 Did you see any voter voting on behalf of another one?	○ Yes	○ No
G.13 Did you see any underage person being allowed to vote?	○ Yes	○ No
G.14 Did you see any other significant procedural problem?	○ Yes If Yes, please comment	○ No

SECTION H: Transparency of the voting process

H.1 Were you able to observe the voting process without undue restriction?		○ Yes	○ No
H.2 Were party/candidate representatives and citizen observers able to observe the voting process without undue restriction?	○ Yes	○ No	○ NA
H.3 Did anyone present inform you of problems at this PS?		○ Yes If Yes, please comment	○ No
H.4 Have any formal complaints been lodged at this polling station since the opening?		○ Yes	○ No

H.4.1 If Yes, did the PS staff handle the complaint according to procedures? ○ Yes ○ No

SECTION I: Turnout

I.1 Time of departure	
I.2 Total number of voters who had voted at the time of your departure	

SECTION J: Overall assessment

4=Very good 3=Good 2=Bad 1=Very bad

	4	3	2	1
J.1 The overall conduct of the voting in this PS was	○	○	○	○

5=Very good 4=Good 3=Not good/Not bad 2=Bad 1=Very bad

	5	4	3	2	1	D/K
J.2 General environment/circumstances	○	○	○	○	○	○
J.3 Voters' understanding of the voting procedures	○	○	○	○	○	○
J.4 Polling staff overall performance	○	○	○	○	○	○
J.5 Level of confidence that voters cast their ballot freely	○	○	○	○	○	○
J.6 Transparency of the voting process	○	○	○	○	○	○

Comments

Please specify the question number at the start of each comment

European Union
Election Observation Mission
Country YYYY

Form C Closing and counting

SECTION A: Observer team

A.1 Team number

A.2 Time of arrival

A.3 Time of departure

A.4 At what time did the counting process start?

A.5 At what time did the counting process end?

SECTION B: Polling station identification

B.1 Polling station region

B.2 Polling station district

B.3 Polling station number

B.4 Polling station type ○ Urban ○ Rural ○ Special

B.5 Does this polling station belong to the preselected sample? ○ Yes ○ No

SECTION C: Circumstances outside the polling station

C.1 Is there a large crowd of voters outside the PS? ○ Yes ○ No

C.2 Did you observe any other problems in the vicinity of the PS? ○ Yes ○ No

C.2.1 If Yes, please specify

☐ Bussing activities ☐ Campaign activities ☐ Campaign material
☐ Indication of vote buying ☐ Intimidation ☐ Unauthorised presence of security forces
☐ Unrest ☐ Violence ☐ Other

SECTION D: Closing of the polling station

D.1 Were there voters waiting in line at the time of closing? ○ Yes ○ No

D.1.1 If Yes, how many approximately?

D.1.2 If Yes, were they allowed to vote? ○ Yes ○ No
If No, please comment

D.2 Were voters arriving after the time of closing allowed to vote? ○ Yes ○ No ○ NA
If Yes, please comment

D.3 Did the PS close on time? ○ Yes ○ No

D.3.1 If No to D.3, please specify

○ Before closing time ○ Between 1-10 minutes late ○ Between 11-30 minutes late
○ Between 31-60 minutes late ○ Over 60 minutes late
*If delay its over 60 minutes, please comment

D.3.1.1 If late closing, what was/were the reason/s?

☐ Late opening ☐ Queue of voters ☐ Unrest
☐ Other
If "Other", please specify in comments

D.3.1.2 If early closing, what was/were the reason/s?

☐ All voters voted ☐ Lack of material ☐ Unrest
☐ Other
If "Other", please specify in comments

SECTION E: People present

E.1 Polling staff members present

	Male	Female	Absent
Chair person	○	○	○
Deputy chair	○	○	○
Secretary	○	○	○
Member 1	○	○	○

E.2 Party/candidate representatives present

Male	Female	M & F	No representative

	Male	Female	M & F	No representative
Party 1	○	○	○	○
Party 2	○	○	○	○
Party 3	○	○	○	○

E.3 Citizen observers present

	Male	Female	M & F	No observer
Group 1	○	○	○	○
Group 2	○	○	○	○
Group 3	○	○	○	○

E.4 Was/were any unauthorised person(s) present inside the PS during your observation? ○ Yes ○ No

E.4.1 If Yes to E.4, please specify:

☐ Army ☐ Local officials ☐ Party officials/Candidates
☐ Police (uninvited) ☐ Religious, traditional leaders/authorities ☐ Other

E.4.2 If Yes to E.4, did the PS staff request the unauthorised people to leave the PS?

○ Yes ○ No ○ NA

E.5 Was any of the people present in the PS unduly interfering with the work of the PS staff? ○ Yes ○ No

E.5.1 If Yes, please specify:

☐ Army ☐ Citizen observer(s) ☐ Local officials
☐ Party/Candidate representatives ☐ Party official(s)/Candidate(s) ☐ Police
☐ Religious, traditional leaders/authorities ☐ Voter(s) ☐ Other

SECTION F: Before the ballot box/es is/are opened

F.1 Did the PS staff lock/seal the ballot box slot?	○ Yes	○ No
F.1 Did the process start immediately after the closing of the PS?	○ Yes	○ No
F.2 Did the polling staff count the number of signatures/marks on the voter list?	○ Yes	○ No
F.3 Did the polling staff record the number of signatures/marks in the (closing) protocol?	○ Yes	○ No
F.4 Did the polling staff count the number of unused ballots and pack them in the official envelope/bag?	○ Yes	○ No
F.5 Did the polling staff record the number of unused ballots in the closing protocol?	○ Yes	○ No
F.6 Did the polling staff count the spoiled ballots and pack them in the official envelope/bag?	○ Yes	○ No
F.7 Did the polling staff record the number of spoiled ballots in the closing protocol?	○ Yes	○ No
F.8 Did all election material remain in plain view of observers and party/candidate representatives during the count?	○ Yes	○ No
F.9 Were the seals of the ballot box/es intact/undamaged before opening?	○ Yes	○ No
F.10 Are there indications of ballot box stuffing?	○ Yes	○ No

SECTION G: Counting of ballots

G.1 Did the polling staff cross-check the number of ballots cast against the number of signatures in the voter list?	○ Yes	○ No
G.2 Was the number of ballots in the ballot box higher than the number of signatures/marks on the voter list?	○ Yes	○ No

G.2.1 If Yes, how did the PS staff handle the discrepancy?

☐ Changed figures not in line with procedures ☐ Deliberated and resumed ☐ Made note in the protocol
☐ Stopped counting and refered to upper commission ☐ Other

G.3 Was the total number of ballots in the ballot box counted before being sorted by candidate/party?	○ Yes	○ No	○ NA
G.4 Was the total number of ballots in the ballot box recorded?	○ Yes	○ No	○ NA

.

	Always	Mostly	Sometimes	Never
G.5 Was the choice on every ballot announced aloud?	○	○	○	○
G.6 Was each ballot paper shown for all present to see the choice of the voter?	○	○	○	○
G.7 Were ballots cast for each candidate/party and invalid ballots correctly separated and counted?	○	○	○	○
G.8 Were valid/invalid ballots determined in accordance with the rules?	○	○	○	○
G.9 Before declaring any ballot invalid, did the chairperson show it to the polling staff and observers?	○	○	○	○
G.10 Were the votes counted for the correct candidate?	○	○	○	○

G.11 At the end of the count, were all ballots packed according to procedures? ○ Yes ○ No

SECTION H: Completion of the protocol/s

H.1 Did the polling staff perform crosschecks of the data for mathematical consistency?	○ Yes	○ No
H.2 Did polling staff appear to be having difficulties completing the protocols?	○ Yes	○ No
H.3 Did all polling staff agree on the figures entered in the protocols?	○ Yes	○ No
H.4 Was the results protocol filled out completely?	○ Yes	○ No
H.5 Did the figures in the results protocol reconcile?	○ Yes	○ No
H.6 Were the protocol/s and other election materials transferred directly to the higher election commission after counting?	○ Yes	○ No

SECTION I: Possible problems and irregularities

I.1 Is the counting process seriously hampered by overcrowding?	○ Yes	○ No
I.2 Is the counting process seriously hampered by disorganisation?	○ Yes	○ No
I.3 Did you observe any evidence of falsification of voter lists entries, results or protocol?	○ Yes If yes, please comment	○ No
I.4 Did you observe any significant procedural errors or omissions?	○ Yes	○ No

I.4.1 If Yes, errors or omissions were related to:

☐ Allocating ballots to candidates/party ☐ Ballot reconciliation ☐ Closing procedures
☐ Counting-recounting of ballots ☐ Determination of valid and invalid ballots ☐ Other

I.5 Did you observe any intimidation of polling staff during the count?	○ Yes If Yes, please comment	○ No

SECTION J: Transparency of the counting process

J.1 Were you able to observe the voting process without undue restriction?		○ Yes	○ No
J.2 Were party/candidate representatives and citizen observers able to observe the counting process without undue restriction?	○ Yes	○ No	○ NA
J.3 Did anyone present inform you of problems at this PS?		○ Yes If Yes, please comment	○ No
J.4 Was any official complaint filed at this PS during your stay?		○ Yes	○ No
J.4.1 If Yes, did the PS staff handle the complaint according to procedures?		○ Yes	○ No
J.5 Were the polling station (PS) results posted outside the PS?		○ Yes	○ No
J.6 Did party/candidates agents receive copies of the polling station results?	○ Yes	○ No	○ NA

SECTION K: Turnout and results

K.1 Total number of voters in the voters list/s	
K.2 Total number of signatures/marks in the voters list/s	
K.3 Number of ballots received by the PS	
K.4 Number of unused ballots	
K.5 Number of spoiled ballots	
K.6 Number of ballots in the ballot box/es	
K.7 Number of valid ballots	
K.8 Number of invalid ballots	
K.9 Number of blank ballots	
K.10 Candidate A / Party A	
K.11 Candidate B / Party B	

SECTION L: Overall assessment

4=Very good 3=Good 2=Bad 1=Very bad

	4	3	2	1
L.1 The overall conduct of the counting in this PS was	○	○	○	○

5=Very good 4=Good 3=Not good/Not bad 2=Bad 1=Very bad

	5	4	3	2	1	D/K
L.2 General environment/circumstances	○	○	○	○	○	○
L.3 Polling staff overall performance	○	○	○	○	○	○
L.4 Transparency of the counting process	○	○	○	○	○	○

Comments

Please specify the question number at the start of each comment

ANNEX 3
GUIDELINES FOR MEETINGS

Meetings with interlocutors

The primary method for most core team members and LTOs to collect or verify data on the electoral process is through holding meetings with a broad range of interlocutors. While there are a number of interlocutors that the EU EOM needs to meet as a matter of course, developments may arise such as incidents reported that need to be verified. In such cases, it is important to meet all sides of an issue to establish the facts and not to rely on second hand information or hearsay.

1 General guidelines for meetings

The EU EOM seeks to engage in building dialogue and effective working relationships with a broad range of interlocutors. Meetings with interlocutors provide opportunities to obtain information and discuss election-related issues, as well as being a useful public outreach activity. It is important that all EU observers are courteous, considerate and sensitive to local customs. Observers should try to maintain good relations with all interlocutors, including when meeting with negative reactions.

EU observers should ensure their questions are neutral in tone and should pay particular attention to balance their meetings, engaging with political representatives from government and a broad range of opposition parties. No personal opinions on election-related issues are to be expressed at any time. For all meetings, EU observers should:

- **come prepared**:
  - be aware of relevant background information;
  - prepare questions and discussion points in advance;
- be considerate of interlocutors' time and not obstruct their work;
- avoid leading questions and use open questions where possible;
- ask for specific information (what, where, who, why, when and how often);
- check the accuracy of information (by confirming their understanding with interviewees, cross-checking with other interlocutors, and direct observation);

- allow interlocutors the opportunity to bring up issues, ask questions and follow up suggested recommendations.

2 Introductory meetings

At initial meetings with all interlocutors, EU observers should use the following structure for presenting the EU EOM:

- introduce the EU EOM members present, including national staff, providing names, nationalities, positions, area of coverage, and their location base;
- describe the background of the EU EOM, including the duration and size of the mission;
- outline the methodological basis of an EU EOM, which is in accordance with the Declaration of Principles for International Election Observation, and emphasise the EOM's long-term, countrywide coverage, as well as the independence of the mission and the role of the chief observer;
- explain that the EU EOM has been invited to observe by the host authorities and that EU observers are impartial, do not interfere in the electoral process, and assess the elections in accordance with international standards for elections as well as in compliance with national legislation;
- explain the process and timing for publication of the mission's reports (the preliminary statement shortly after election day, and a detailed final report including recommendations two months after the completion of the electoral process);
- provide contact details for those present and for the EU EOM;
- confirm the names, positions and contact details of each interlocutor, and their availability for future meetings.

3 Meetings with public/government officials

EU observers meet regularly with a wide range of public/governmental officials (see also Section 5.5.1 *Relations with the host country*). LTO teams, in particular, meet with senior officials from regional or local government to obtain useful information. However, public officials may also have a partisan role to play in the electoral process, and EU observers should clarify whether meetings are held in the interlocutor's official capacity or in their partisan political role.

Possible issues to raise in meetings with public officials
- What role and responsibilities does the public official have in the electoral process?
- Has the public official identified any problems with the electoral process?
- Does the public official have any concerns about election day?
- What is his/her impression of the election campaign?

Possible issues to raise in meetings with public officials

- Does the public official perceive any difference between this election and previous elections? If so, what?
- If the public official has any responsibility for security, can the EU EOM count on his/her cooperation in the event that any security issue arises?

It may be necessary at meetings with public officials to raise allegations received, or irregularities observed, by the EU EOM, on areas over which they have responsibility. This may include the misuse of public resources, interference in campaign activities, or particular human rights concerns. The EU EOM should inquire about how the issue will be addressed, and request to be kept updated on progress in this regard.

4 Meetings with the Election Management Body (EMB)

Meetings with the EMB on electoral preparations

The EMB is the primary source of much information on the electoral process, such as administrative preparations, candidate registration and procedures for voting, counting, tabulation and publication of results. During their work, the core team and LTOs will meet frequently with all the different hierarchical levels of the EMB. It is important for the EU EOM to meet with a cross-section of the EMB membership where there are party representatives on the EMB, as well as with members of the EMB secretariat. In accordance with the *Code of Conduct for EU Observers*, the mission may bring irregularities to the attention of the EMB but may not give instructions or seek to countermand the decisions of the EMB.

The openness of the EMB in its relationship with the EU EOM can be a useful indicator of the transparency of the work of the election administration in general. If it is permissible by law and/or is part of the memorandum of understanding between the European Commission and the EMB, the EU EOM should request permission for the election analyst and LTO teams to attend working sessions of the EMB. Contact details for the EMB should be requested at all levels.

Possible issues to raise in meetings with the EMB (at all levels)

Organisational structure of the EMB

- How and when were the EMB members appointed? Was there any problem with the appointment of any member?
- Have the EMB members experience of previous elections? Have they received any training?
- How often does the EMB meet in session? How are members informed of sessions?
- What is the representation of women (and, where relevant, minorities) within the EMB?
- How are political parties and candidates included in the work of the EMB?
- Are domestic observer groups and media accredited to follow the work of the EMB?

Decisions of the EMB

- How are decisions made by this EMB, *e.g.*, by consensus or by vote?

Possible issues to raise in meetings with the EMB (at all levels)

- When decisions are taken by a vote, is there a partisan split in how the votes are cast?
- Are decisions published and made available promptly to candidates/parties? Are minutes of its sessions published?
- For lower-level EMBs: how is the local level EMB made aware of the instructions and decisions of higher-level EMB?

Responsibilities of the EMB

- What are the EMB's implementation and supervisory responsibilities?
- How has the EMB implemented its responsibilities? Have all deadlines been met? Have there been any problems?
- Is the EMB provided with sufficient resources to carry out its responsibilities?
- Is there a secretariat, and if so, what is its structure, and how is it funded and managed?
- Does the EMB supervise lower-level bodies? If so, how are staff recruited and managed? What training activities of lower-level bodies are taking place?

Complaints and appeals

- Has the EMB received any complaints, or is the EMB aware of any formal complaints or appeals that have been made? If so, what do they relate to, and how are they being handled?

Election day and results

- What role will this level of EMB play on election day and in the results process?
- How will the EMB ensure transparency during the results tabulation and publication processes?
- How is security for election materials being ensured?

Relevant information

- Can the EMB provide the EU EOM with information on lower level bodies (***e.g.***, contact details, lists of polling stations, etc.) and relevant data (such as number of registered voters per polling station)?
- Can the EMB provide the EU EOM with copies of regulations, decisions, minutes, etc.?

Possible issues to raise with other interlocutors on the work of the EMB

- Has the EMB been working fairly, impartially and in accordance with the law?
- Have there been examples of apparent interference in the work of the EMB?
- Is there confidence in the work of the EMB? Where there is a lack of confidence, is there any issue the EU EOM may need to follow-up with the EMB, either at a local or national level?
- What reasons, examples or evidence is provided to support the interlocutor's opinions?

Meetings with the EMB on voter registration

The EU EOM meets with the EMB (or, on occasions, a different State agency, such as the Ministry of Interior) to obtain full information on voter registration procedures and their implementation, as well as data from the voter register itself. The EMB should be asked to provide voter registration data broken down by region/district/polling station, and disaggregated by gender.

Possible issues to raise in meetings on the voter register

Procedures for voter registration

- Which bodies have responsibilities for compiling and updating the voter register? How do these bodies interact?
- How have the voter registration procedures been implemented? Have there been any problems? Were all deadlines respected?
- What measures are in place for the public to inspect the voter register? Are the voter lists posted at polling stations or other convenient locations so that voters can review their entries?
- What measures are in place for candidates/parties to inspect the voter register? Are candidates/parties able to purchase or otherwise obtain a copy of the register and if so, in what format (paper or electronic)?
- What measures are in place for civil society organisations and other stakeholders to inspect the voter register?
- Is the voter register available for inspection by the EU EOM?
- What measures are in place to update the voter register, add the names of eligible citizens or to remove ineligible or deceased persons? Is there a check for duplicate entries?
- Where necessary, are there any special procedures to ensure IDPs are registered and able to vote?
- Have there been any complaints about persons being wrongly excluded from or included on the voter register? If so, how many complaints? How were those complaints resolved?

Voter registration data

LTOs should try to obtain the full voter registration data that is available, preferably broken down by district/polling station and, where possible, disaggregated by gender.

- Have there been any significant changes in the numbers of registered voters in different areas? If so, what are the possible explanations?

Possible issues to raise with other interlocutors on the voter register

- Is there confidence in the quality and accuracy of the voter register? Have they been able to access the voter register? Where problems are identified, on what scale are these? What examples or evidence can be provided to support their opinions?

The core team or LTOs may need to follow-up on specific issues with the responsible body.

Meetings with the EMB on candidate and political party list registration

The EMB usually has responsibility for the registration of candidates and political party lists. In instances of parliamentary or local elections, the regional or district EMBs may have a delegated responsibility for candidate/party registration. Meetings with the EMB provide the main source of information on the implementation of procedures for registration of candidates and political party lists, and whether any nominations were refused. The EMB should be asked for relevant, gender-disaggregated data on candidate/party registration, broken down by party and region.

EU observers use this information to assess whether registration procedures have provided for the right to stand for election and have been implemented fairly and impartially. Political parties and candidates should also be questioned on the registration process. In any cases of refused nominations, core team or LTOs should meet with the rejected candidate(s) and track any related challenges to the decision.

Possible issues to raise on candidate and political party list registration

Procedures for candidate and political party list registration

- How have the registration procedures been implemented? Have there been any problems? Have deadlines been adhered to?
- Have any candidates/lists been refused registration? If so, why? Were the grounds for refusal legal, reasonable and consistently applied? If any candidates/lists were refused registration because of problems with registration papers, were they given an opportunity to correct errors before final refusal? If candidates were required to submit a number of voter signatures in order to register, how were the signatures checked?
- Did the registration of all candidates/lists take effect on the same date so that no candidate gained advantage (or was disadvantaged) by having a longer (or shorter) time to campaign?
- If symbols were allocated to candidates/lists by the EMB, how was the allocation process carried out?
- Have there been any complaints about decisions on registration? If so, how many complaints have been made? How have those complaints been resolved? Have any decisions on complaints been appealed to a higher body? (if so, the core team or LTO team should ask for further information.)
- When and how was the final register of candidates/lists published?

The EU EOM (core team and LTOs) should obtain full details of the candidates who have been registered. Data should be broken down by district, political party and gender. Candidate contact details should also be requested.

Possible issues to raise with other interlocutors on candidate registration

- Was the candidate registration process carried out in a fair and transparent manner?
- Are any requirements for signatures and/or monetary deposits reasonable? Have these requirements disadvantaged women or others interested in standing for office?

5 Meetings with the judiciary

The EU EOM will hold meetings with members of the judiciary, prosecutors, lawyers and other experts to discuss election-related legal issues in order to assess the legal framework and the extent to which it is in accordance with international standards. The EU EOM will also assess how election crimes are handled by the legal system (the prosecutor's office and the courts, as well as the police). There will be specific focus on the complaints and appeals process and the independence of the judiciary with regard to dealing with election cases. Mission activities on legal issues are coordinated by the legal analyst.

Possible issues to raise in meetings with the judiciary

- Which courts are responsible for election complaints? Do different branches of the judiciary deal with different types of complaints, appeals and criminal cases?
- If a complainant disagrees with a court decision, what is the appeals process, and what levels of appeal are possible?
- Can election stakeholders, including voters, appeal to the highest responsible court?
- Does the judicial system have the personnel and financial resources to deal with large numbers of election complaints, should they arise?
- From the judicial perspective, is the deadline for adjudicating election complaints sufficiently long to deal effectively with a case? Is the deadline sufficiently short to ensure that the complainant has an effective remedy? Can the courts meet the prescribed deadlines?
- Can the courts overturn an election result after the final results have been announced? If yes, have the courts ever done so?
- Have the courts ever handed down penalties for election offences? What penalties are available to the courts, for example, fines, candidate suspension or disqualification? Which penalties have been issued and how frequently?
- Have any complaints been filed with the courts for this election? If so, what is the nature of the cases? If any rulings have been handed down, what have they been?
- How are judges appointed? What is their term of office?
- What is the status in law of the international human rights instruments to which the host country is a party? Have they been incorporated into domestic law?

Possible issues to raise with other interlocutors concerning the judiciary

- Is there general confidence in the independence and impartiality of the judiciary?
- Is there good knowledge among election stakeholders of the judicial system?
- Is the judicial system regarded as effective and efficient?

6 Meetings with political parties and candidates

The EU EOM meets with the candidates and representatives of the main political parties taking part in the election. EU observers attend campaign events such as rallies, public meetings, and debates among candidates. To ensure that the mission maintains its image of impartiality, the EU EOM meets with candidates/parties from across the political spectrum.

These meetings allow EU observers to inquire about campaign-related issues and views of the candidate/party representative on the electoral process, including the legal framework, the electoral system and the political context of the election. An important issue is the confidence of the candidates/parties in the election administration and other official bodies with election responsibilities. When a genuine lack of confidence is expressed, the EU EOM should seek substantiating reasons, *e.g.*, specific examples of officials not acting in an even-handed or professional manner. The candidates and parties should also be asked if they have any other election-related complaints and for their views on the media coverage of the election.

In addition, EU observers will seek to obtain information on the political platforms of the candidate/party, as well as the membership and organisational structures of political parties, as part of its assessment of the political context of the election. The EU EOM may also consider the level of internal democracy within political parties, including decision-making processes and candidate selection. Observers should also enquire the degree to which disadvantaged groups such as women, national minorities, disabled and LGBT persons are encouraged as leaders, candidates and members within the party.

Possible issues to raise in meetings with candidates and political parties

Campaign opportunities

- What are the main platforms for the candidate/party's campaign for the election? How does the campaign address the interests of women or national minorities?
- What campaigning methods are being used by the candidate/party?
- Does the candidate/party have access to media coverage? Is media coverage balanced and equitable?
- Has the candidate/party been able to campaign freely, including organising public meetings or rallies, without difficulties?
- Has the candidate/party experienced any problems in relation to violence, intimidation or interference in their campaign activities? Have any candidates, supporters or activists been arrested or detained?
- How is the candidate/party funded? Are there any problems with the campaign financing regulations?
- Has there been any misuse of public resources in campaigns?
- Does the candidate/party believe that the playing field for the election is level?

Candidate registration

- Did the candidate/party experience any problems with the registration process? If so, what was the problem and how was it resolved?

Election framework

- Does the candidate/party have an opinion or concerns on the quality of the legal framework for elections, including the electoral system?
- Does the candidate/party have confidence in the work of the EMB?

Election day

- Does the candidate/party have any specific concerns about election day?
- Does the candidate/party anticipate any fraud or manipulation on election day? If so, what type of fraud or manipulation? Are any particular locations or specific polling stations of special concern?
- Does the candidate/party plan to field agents in polling stations? How many agents will be fielded? Will training be provided?
- Will the candidate/party track election results from individual polling stations?

7 Meetings with civil society

The EU EOM meets regularly with a range of civil society organisations (CSOs) including those involved in the field of citizen election observation and human rights. The EU EOM also meets women's groups, minority groups, disability groups, community leaders and research institutions. Citizen election observer groups may be particularly well-informed on election issues. CSOs often play an important role in providing voter education and it is important to assess the receptiveness and cooperation of the EMB to their efforts. CSOs that deal with governmental reform, corruption, the media and public opinion surveys can often provide useful perspectives. Academics may have useful specialised knowledge of electoral issues. CSO reports can be extremely useful to an EU EOM in identifying issues to be aware of in an electoral process, although information must be independently verified. Any reference to the findings of CSO reports by the EOM in its own reporting should be clearly identified.

Possible issues to raise in meetings with CSOs

Integrity of the electoral process

- What is the opinion of the CSO on the electoral process and the campaign? How does the current election compare with previous elections? Does the CSO have any concerns?
- What are the key issues in the election? Are citizens engaged with the campaign?
- What is the opinion of the CSO on the participation of women and minorities in the electoral process?
- Does the CSO have opinions or concerns about the quality of the legal framework for elections, including the electoral system?
- Is there public confidence in the elected institutions, the work of the EMB, the judiciary, the security forces and other governmental institutions?

Organisational background

- What are the objectives and main fields of interest of the CSO? Does it seek to represent any particular group? Is the CSO represented countrywide and/or regionally?
- Is the CSO non-partisan or is it aligned with a specific political party or political movement?
- What are the main activities of the CSO?
- Is the CSO formally registered and, if so, for how long has it been registered? Did the CSO experience problems with registration?
- What is the size of the membership of the CSO? What is the proportion of women members? Are there women or representatives of minorities in the CSO's leadership?
- Has the CSO experienced interference in its work from the authorities, political parties or others? Do activists or members of the CSO experience problems because of its work?
- How is the CSO funded? Does it receive government contributions? Are its staff volunteers?
- How does the CSO communicate with citizens? (*e.g.*, reports, website, social media?)

Possible issues to raise with citizen election observation groups

- Does the CSO conduct long-term observation?
- How many observers will it deploy on election day? In which areas?
- Will the CSO observe voting, counting and the tabulation of the results? Will it conduct a parallel vote tabulation?

Possible issues to raise with citizen election observation groups

- Will the CSO observers be mobile or stationary, remaining in the same polling station all day?
- Has the CSO received the necessary accreditation for its observers? Were there any difficulties with this process?
- Is the CSO part of a network of election observer groups?
- How is the election observation funded?
- Has the CSO received training and related material on election observation? If so, who provided it? Is the CSO providing training for its observers?
- What are the CSO's impressions to date on the electoral process?
- Has the CSO issued any substantive reports or statements on the election? Can it share them with the EU EOM?
- Will the CSO prepare a report on its findings? What issues will it cover? When will it be published? Would the CSO be willing to share its preliminary election day findings with the EU EOM on election day even before they are publicly released?

Possible issues to raise with CSOs involved in voter education

- What activities have been undertaken for voter education?
- Were any of the CSO's voter education campaigns aimed at specific groups, such as first-time voters, women or minority groups?
- Did the CSO seek to cooperate with the EMB when preparing and delivering its voter education programme? Was the EMB helpful and cooperative?
- How was the voter education funded? Were materials produced? Are spare copies available to give to LTOs?
- Have any problems been experienced in carrying out voter education activities?
- What steps are taken to ensure voter education reaches specific target groups (*e.g.*, women, minorities, elderly, youth, rural voters) equally?

8 Meetings with media

In addition to its interaction with the media as part of mission visibility strategy, the EU EOM holds meetings with representatives of the electronic and print media, including journalists and media outlet owners or editors, to obtain information on the media environment and the media's coverage of the electoral process. Since various media outlets may be perceived to support a particular candidate or political party, the EU EOM should take care to ensure that it meets with a broad range of media representatives from across the political spectrum, including State/public and private media. Meetings with media associations and trade unions can also be useful in discerning how the media views its own role and responsibilities, any restrictions it faces and whether self-censorship is a problem. The EU EOM should also meet with media regulatory or supervisory bodies (whether State or private) to assess how effectively they handle election-related complaints against the media. If there have been any relevant licensing issues or problems, the EU EOM should meet authorities with responsibility for issuing broadcasting licences. LTO teams often meet with representatives of the regional media. Mission activities on media issues are coordinated by the media analyst.

Possible issues to raise in meetings with media representatives

Media environment

- Is the media free to operate without official interference?
- Have there been any cases of violence against journalists or media outlets? Have there been any threats or intimidation?
- Is self-censorship a problem?
- How effective are any media regulatory or supervisory bodies that exist?

Background to the media outlet

- Is the outlet privately owned (if so, by whom?) or publicly funded?
- What is the geographical coverage and estimated audience/readership of the media outlet? How many journalists work for it? Are the journalists professionally trained?
- What level of coverage does the media outlet give to reporting on news items?

Media coverage of the campaign

- To what degree is its news reports covering election-related issues?
- Has the outlet been carrying paid election-related advertising? Are all candidates and political parties advertising in the outlet? Has the outlet refused to carry any election-related advertising?
- What rates is the outlet charging for election-related advertising? Are these the same as for non-election related advertising? Are all contestants offered the same rate?
- Have there been any complaints about the outlet's coverage of the election campaign?
- Does the outlet have a policy to support (or to criticise/marginalise) any specific political party or candidate?
- Is the outlet carrying any voter education or other election-related initiatives?
- Has the media outlet experienced any difficulties in relation to its coverage of the election campaign?
- What coverage and profile does the outlet give to women and minorities?

Opinions on the electoral process

- What is the media representative's opinion of the electoral process and the campaign? How does the current election compare with previous elections?
- What are the key issues in the election? Is the campaign addressing these issues?
- Are there any concerns on the quality of the legal and media framework for elections?
- Is there public confidence in the work of the EMB and other official institutions?
- Is the media outlet aware of any election irregularities?

ANNEX 4
GLOSSARY

Accreditation
Document(s) providing authorisation for presence in an electoral site (polling station, tabulation centre etc.).

Agent (for a party or candidate)
A person who represents a political party or candidate during different aspects of an electoral process, *e.g.*, as an observer of the voting or counting processes in polling stations. An agent may have authority to act and take decisions on behalf of the party or candidate.

Aggregation and tabulation
Aggregation is the process of collecting and adding the of results totals of election results following the counting of votes.

Tabulation is the process of putting the results data into a table format so that each sub-total of the aggregated results can be shown (*e.g.*, by party/candidate, by polling station, by district etc.).

Appeal
A legal submission to a higher authority that seeks to challenge or overturn the decision of a lower body.

Ballot box
A container into which a voter places his or her marked ballot paper. The ballot box is usually sealed closed while polling is taking place.

Ballot paper
A sheet of paper or card upon which a voter can mark his/her choice.

Booth (polling)
An area where ballot papers can be marked in secret and alone.

Bribery
An offering of money, gift or favour that allows a person to gain unfair and/or illegal advantage.

By-election*
An election to fill a vacant seat in an elected assembly held at any time other than at a general election.

Campaign*
Political activity, including meetings, speeches, rallies, parades, broadcasts, debates and other media events designed to inform the electorate and gather support for the platform of a particular candidate or political party in an election or to promote a choice available to voters in a referendum, a citizens' initiative or a recall vote.

Canvassing
Activity undertaken by a candidate to ascertain the views of voters and to solicit their votes.

Chief observer
Holds overall responsibility for an EU EOM, usually a Member of the European Parliament (MEP).

Civic education
Methods by which citizens can acquire knowledge, skills and awareness on democratic issues. This normally takes place via information or education programmes, work-

* Directly quoted or substantially based on definitions first published by the International Institute for Democracy and Electoral Assistance, International IDEA. For more information, see http://www.idea.int

shops, seminars, information campaigns and other outreach activities.

Code of conduct

A set of principles and/or expectations that are considered binding on any person who is a member of a group such as an election management body, political party, or an election observation mission.

Complaint

An expression of dissatisfaction, for example with the actions of an electoral management body, which may be made informally or formally through an official complaints procedure.

Constituency

The body of voters who elect a representative(s) for their area. Also the area itself.

Constitution

Law determining the fundamental political principles, nature, function and limits of a government.

Core team

A group of independent specialists recruited specifically for an EOM who provide the main analytical and logistical frameworks and substance of the mission.

Council of Ministers of the EU

The Council is the main decision-making body of the European Union usually legislating jointly with the European Parliament. The Member States meet within the Council of Ministers where the Commission also participates.

Counterfoil

Complementary part of a voting paper (a ballot) retained by the issuer which shows the details of a transaction.

Debriefing

Meeting for two-way exchange of information, analytical discussion, feedback and lessons learned.

Delimitation

Demarcation of the boundaries of electoral units, a process also sometimes referred to as 'districting'.

Deputy chief observer

The principal political and technical advisor to the chief observer who deputises for the chief observer in his/her absence. Has management responsibility for the political, analytical, methodological, operational and security aspects of the EU EOM and for the coordination of the activities of all mission members and the service provider.

Directorate-General for International Cooperation and Development (DG DEVCO)

The Commission's Directorate-General for International Cooperation and Development (DG DEVCO) is responsible for designing European international cooperation and development policy and delivering aid throughout the world.

Disenfranchise

To deprive a citizen of a right of citizenship; in particular, the right to vote.

Citizen (or national) observer

An election observer who is based in the country in which elections are taking place.

Early voting

Polling, usually for special categories of voters that takes place before election day. May also include postal voting.

European External Action Service (EEAS)

The EEAS is the European Union's diplomatic service. It helps the EU's foreign affairs chief – the High Representative for Foreign Affairs and Security Policy – carry out the Union's Common Foreign and Security Policy.

Election day

The day on which voting in an election takes place.

Election Management Body (EMB)*

An institution which is legally responsible for managing some or all of the essential elements for the conduct of elections, including determining who is eligible to vote, receiving and validating nominations, conducting balloting, counting votes, and tabulation of results.

Election Management Body (EMB) commissioners

Election administrators, persons comprising the highest level of the EMB who are responsible for directing the electoral process in line with electoral laws and regulations.

Election Management Body (EMB) secretariat
An administrative unit responsible for the planning and administration of the election under direction from EMB commissioners.

Election offence
Breach of any law or regulation governing the conduct of elections.

Election regulations*
Rules subsidiary to legislation, often made by the EMB, under powers contained in the electoral law which govern aspects of the organisation and administration of an election.

Electoral district, zone, ward, etc.*
One of the geographic areas into which a country or region may be divided for electoral purposes.

Electoral law*
One or more pieces of legislation governing all aspects of the process for electing the political institutions defined in a country's constitution or institutional framework.

Electorate
Those entitled to vote, the body of enfranchised citizens.

Enumerator
A person who collects voter data to establish or maintain the voter register.

European Commission
The executive body of the European Union, responsible for proposing legislation, implementing decisions, upholding the Union's treaties and the general day-to-day running of the Union.

European Parliament
Directly-elected body of the European Union with 751 (January 2016) members elected once every five years by voters in the Member States.

EU Presidency
The Presidency of the Council of Ministers is held for six months by each Member State on a rotational basis. It is responsible for presiding over all aspects of the Council of the European Union.

Exit poll
An informal poll taken as people leave the voting station used to predict the outcome of the election before voting ends.

Exploratory mission
A team of European Union officials and external experts who visit the host country four to six months ahead of an anticipated election to assess the usefulness, feasibility and advisability of sending an EU EOM to that country.

FPI (Service for Foreign Policy Instruments)
The Service for Foreign Policy Instruments is a service of the European Commission which manages the operational aspects of a number of EU foreign policy actions. It works alongside the European External Action Service (EEAS).

Franchise
The right to be able to vote in an election.

Fraud
Intentional deception to gain unjust advantage.

Gerrymandering
Shaping the physical boundaries of a voting district in order to increase one candidate or political party's chances of winning an election.

Host country
A country where elections or a referendum is taking place, which issues an invitation for an EOM to observe.

Human rights
The rights and freedoms to which all human beings are entitled and without which it is impossible to live in dignity.

Impartial
Not biased or prejudiced towards any side in a contest or dispute.

Indelible ink
Ink which cannot be removed, erased or washed away.

Independent candidate*
A candidate for an elected position who is not nominated by a political party.

Internally Displaced Person(s) (IDPs)
Persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, who have not crossed an internationally recognised state border. In particular as a result of or in order to avoid the effects of armed conflict, situa-

tions of generalised violence, violations of human rights, or natural or human-made disasters.

International standards

International election standards include the general principles defined in international treaties and other instruments, including political declarations, and the criteria that have developed over the last decades to specify the scope of application of these principles, most notably the comments and interpretations provided by human rights monitoring bodies and regional courts..

Invalid ballot*

Ballots which cannot be counted in favour of any entity in an election due to accidental or deliberate errors of marking by the voter or incorrect issuing by the polling officials.

Long-term observer (LTO)

Member of an EOM, with a partner observer, is deployed to a region of the host country for a period of six to eight weeks to assess and report to the core team on election-related activities and events.

Media monitoring

Qualitative and quantitative analysis of media coverage of the election including: time and space allocated to each political contestant, the tone of coverage, compliance of media with relevant legislation and analysis of the legislation itself and the degree to which it allows for compliance with international standards.

Memorandum of understanding (MoU)

The written agreement between the host country and the European Commission which defines the roles and responsibilities of both parties during deployment of an EU EOM. This is not legally binding.

Military voting

Where members of the armed forces vote at designated local civilian polling stations or in their barracks. Military voting may take place on a different day from civilian voting.

Mobile ballot box

A ballot box transported by polling officials to immobile voters (*e.g.*, the elderly or ill) on election day, in order that they may enjoy their right to vote.

Nomination*

Putting forward name(s) for candidacy, selection or appointment to another body or to a position.

Null (and void)

No longer valid or enforceable.

Observation (election)*

Witnessing and assessing, but not intervening in, the proceedings of an electoral process.

Parallel Vote Tabulation (PVT)

Observers record the results from a scientific sample of polling stations and independently tabulate these results in parallel to, and for comparison with, the official results of the election authorities.

Partisan

Biased in support of a particular political party, candidate or position.

Party (political)

An organised group of people with at least roughly similar political aims and opinions that seeks to influence public policy by getting its candidates elected to public office.

Petition

A formal written request that is submitted to an authority.

Poll

An enquiry into public opinion, *e.g.*, by voting at an election.

Polling official*

A member of staff who participates in the administration of a polling station. Polling officials can be appointed only for the purpose of working on election day and may or may not be staff of the EMB.

Protocol

Standardised documentation format containing results data. Or a diplomatic document, often terms of a treaty.

Reconciliation (of results)

Checking that the number of ballot papers issued to a polling station corresponds with the combined numbers of used, unused and spoilt ballot papers recorded for that polling station, and checking these figures against the voter list record of the number of people who have voted.

Referendum*

A vote of the electorate on an issue of public policy such as a constitutional amendment or a bill. The results of the vote may be either binding or consultative.

Registration (of political parties and candidates)

Acceptance of applications by political parties and candidates that meet defined criteria, to participate and stand in an election.

Registration (of voters)

The act of entering the names of eligible voters, and other relevant information, in a register or list of electors.

Results

Partial results may be announced during the course of the tabulation process. If released, they must always be clearly referred to as representing only a proportion of the votes cast. Preliminary results should be announced as soon as the tabulation of results is completed at a regional or countrywide level. Final results should be declared after the deadline for the submission of any challenges to the preliminary results has passed.

Seal

The wax or plastic fastening over a ballot box opening or other senstive materials.

Sensitive material

Election materials that are critical to a secure and accurate voting process, *e.g.*, ballot papers (marked and unmarked) and a voter list that has been signed by voters when casting their ballots.

Short-term observer (STO)

Member of an EOM who remains, with a partner observer, in a particular region of the host country for a period of 5–10 days.

Spoiled ballot*

A spoiled ballot is generally one that a voter has inadvertently spoiled by marking it incorrectly. It is handed back to the polling officials in exchange for a new blank ballot paper that is then marked by the voter and placed in the ballot box.

Tabulation

See aggregation.

Tally

The results count.

Tamper-proof

Designed to prevent, or provide evidence of interference.

Transparency

Openness, visibility of process or event to the public. Improves accountability and trust.

Treaty

A written contract or agreement between states or between an international organisation and its states. Treaties are legally binding instruments in the context of international law.

Treaty bodies

Expert groups which monitor implementation of UN human rights treaties. Each treaty has its own treaty body which receives and comments on implementation reports submitted by countries which are bound by the treaty.

Turnout

The proportion of registered voters who voted.

Valid (ballot)

An official ballot paper that clearly shows the intention of the voter and does not reveal the identity of the voter.

Voter education*

A process by which people are made aware of the electoral process and the particulars and procedures for voter registration, polling, and other elements of the electoral process.

Voter register/list*

The list of persons registered as qualified to vote. Sometimes known as the electoral roll.

Voting

Casting a ballot paper.

ANNEX 5
ACRONYMS

ACP	Africa, the Caribbean and Pacific (countries)
AoR	Area of Responsibility
AU	African Union
AV	Alternative Vote
BV	Block Vote
CFSP	Common Foreign and Security Policy
CO	Chief Observer
CoC	Code of Conduct
CoE	Council of Europe
CSO	Civil Society Organisation
CT	Core Team
DCO	Deputy Chief Observer
DG DEVCO	Directorate-General for International Cooperation and Development
EC	European Commission
ECHR	European Court of Human Rights
EComHR	European Commision of Human Rights (until 1998)
ECOWAS	Economic Community of West African States
E-day	Election Day
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EMB	Election Management Body
EODS	Election Observation and Democratic Support
EU EOM	European Union Election Observation Mission
E-voting	Electronic Voting
ExM	Exploratory Mission
FPI	(Service for) Foreign Policy Instruments
FPTP	First Past the Post
ICCPR	International Covenant on Civil and Political Rights
IDEA	(International) Institute for Democracy and Electoral Assistance
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation

IOM	International Organisation for Migration
LAS	League of Arab States
LTO	Long-Term Observer
MEP	Member of European Parliament
MMP	Mixed Member Proportional
MoI	Ministry of Interior
MoJ	Ministry of Justice
MOSS	Minimum Operational Security Standards
MoU	Memorandum of Understanding
NEEDS	Network of Europeans for Electoral and Democracy Support
NGO	Non-Governmental Organisation
OAS	Organization of American States
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OIC	Organization of the Islamic Conference
OSCE	Organization for Security and Cooperation in Europe
PBV	Party Block Vote
PR	Proportional Representation
PS	Polling Station
PVT	Parallel Vote Tabulation
SADC	Southern African Development Community
SNTV	Single Non Transferable Vote
SP	Service Provider
STO	Short-Term Observer
STV	Single Transferable Vote
TA	Technical Assistance
ToR	Terms of Reference
TRS	Two-Round System
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNDSS	UN Department of Safety and Security
VL	Voter List
VR	Voter Register

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Election Observation and Democratic Support

The Election Observation and Democratic Support project (EODS) is in charge of building the capacity of the EU's election observation. It is structured around three main pillars:

- Methodology: To consolidate a consistent methodology for EU Election Observation missions and ensure that it stays abreast of new developments in electoral systems, best practise and international standards.
- Training: To further strengthen the expertise in election processes and the command of the EU election observation methodology among the observers and experts working on EU EOMs.
- Cooperation: To strengthen the capacity of regional organisations involved in election observation, and regional networks of non-partisan citizen observer groups to in turn support their network members, through trainings and sharing of methodology.

EODS cooperates with regional and international observer groups under the framework of the Declaration of Principles for International Election Observation, and with the Global Network for Domestic Observers.

EODS Consortium partners:

Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ)

GIZ – International Services provides consulting services to international clients, provides capacity building in the areas of democracy, electoral processes and human rights, and is one of the service providers of the Commission for the logistical implementation of EOMs.

Osservatorio di Pavia (CARES)

Osservatorio conducts research on the role of media, in particular in the electoral process. It aims to safeguard media pluralism through the elaboration of methodologies of research and analysis. Researchers of the Osservatorio are highly experienced in media monitoring within international EOMs and projects of technical assistance to national authorities and civil society organisations.

Observatorio Politico y Electoral del Mundo Arabe y Musulman (OPEMAM)

OPEMAM studies and monitors the electoral processes and political changes of Arab and Muslim world. It has conducted more than 30 EOMs, has provided online political and electoral information, and has drafted electoral reports, briefing papers and working papers on electoral and political processes in Arab and Muslim countries.

Asian Network for Free Elections Foundation (ANFREL)

ANFREL focuses on observing pre- and post-electoral processes in Asia, developing and training civil society groups working on democratisation, and advocating on good governance issues. It aims to build expertise on elections and governance in the region, entrenching a locally developed culture of democracy, working also on electoral reforms and voter awareness.

Zimbabwe Electoral Support Network (ZESN)

ZESN co-ordinates activities related to the promotion of democratic processes, particularly free and fair elections. ZESN is the current host for the Southern African Development Community - Election Support Network (SADC-ESN) - a regional network of 15 NGOs promoting democratic elections in the SADC region.

Mision de Observación Electoral, representing Acuerdo de Lima (MOE)

MOE has a network of 280 NGOs engaged in monitoring elections, raising awareness, informing and investigating on election-related irregularities, and advocating for election reforms. MOE coordinates the "Lima Agreement" (www.acuerdodelima.com), a platform of electoral observation organisations from 14 American and Caribbean Countries.

Lebanese Association for Democratic Elections (LADE)

LADE is a citizen observer organisation based in Beirut. It aims to stimulate political dialogue and participation of Lebanese citizens in the political process, and to reform the administrative and electoral systems to ensure accurate representation and effective election participation.

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