



Election Observation Handbook

Sixth edition

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Handbook

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Election-Activity Acronyms

EAM	Election assessment mission
EOM	Election observation mission
LEOM	Limited election observation mission
LTO	Long-term observer
NAM	Needs assessment mission
STO	Short-term observer

Foreword

Election observation is a key component of the work the Organization for Security and Co-operation in Europe (OSCE) does to promote human rights, democracy and the rule of law across Europe, Central Asia and North America.

The OSCE's 56 participating States have assigned special importance to the holding of democratic elections. In the landmark 1990 Copenhagen Document, they declared that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.” Moreover, the participating States agreed in Copenhagen on a range of commitments specifying in hitherto unprecedented detail what is required if an election is to be considered genuinely democratic.

The key principles laid down in these commitments can be summed up in seven words: universal, equal, fair, secret, free, transparent and accountable.

Promoting elections organized in line with these principles is a crucial aspect of the OSCE's work in what has become to be known as the human dimension of security. The OSCE's comprehensive security concept, dating back to the 1975 Helsinki Final Act, considers the human dimension of security — the protection and promotion of human rights and fundamental freedoms, democratic institutions and the rule of law — to be as important for the maintenance of peace and stability as the politico-military or economic dimensions of security.

In line with this conviction, participating States have acknowledged that violations of commitments for democratic elections can endanger stability in the OSCE region.

The Office for Democratic Institutions and Human Rights (ODIHR) was created by participating States to assist them in implementing their human dimension commitments, including those related to elections. As part of this assistance, participating States tasked ODIHR to monitor elections in the OSCE region — before during and after election day — and to assess their compliance with election-related commitments.

ODIHR was also asked by participating States, at the 1994 Budapest Summit, to develop a handbook for election monitors in order to enhance election monitoring preparations and procedures. The result was the first edition of ODIHR's Election Observation Handbook, published in 1996.

The handbook was developed, first and foremost, as a practical guide for members of election observation missions. At the same time, it has become a major reference document for ODIHR's election observation methodology and, as such, has also inspired other observer groups, both domestic and international, in developing their own election observation capacity.

ODIHR's election observation methodology has evolved over the years to reflect the experience gained from observing or assessing a total of more than 230 elections, leading to the development of an ever more-refined approach to observing or assessing elections in different circumstances and responding to varying needs. A long-term, comprehensive, consistent and systematic election observation methodology has become the bedrock of ODIHR's credibility in this field.

In December 2006, the OSCE Ministerial Council tasked ODIHR to "further strengthen the observation methodology" and "to give utmost attention to the independence, impartiality and professionalism" of its election observation activities. Accordingly, five years after the last edition was published, and on the 20th anniversary of the Copenhagen Document, ODIHR is pleased to present this, the handbook's sixth edition. This volume is the result of a thorough review, taking into account the advances ODIHR has made in further developing its methodology.

The new edition takes account of developments in field practices that have evolved since 2005, such as those for observing new voting technologies and an increased emphasis on the observation of post-election developments. It includes details on how ODIHR has tailored its election-related activities to needs that have been identified in order to best assist participating States with the resources available. As such, this edition of the Handbook provides an overview of the different formats that ODIHR can employ when undertaking election-related activities, including election observation missions, limited election observation missions, election assessment missions and expert teams. Finally it also elaborates on follow-up to ODIHR election-related recommendations, as well as on media and statistical analysis.

I am confident that this most recent update will ensure that the handbook remains a useful and relevant tool for members of election observation missions and all those interested in election monitoring. It will serve as a practical guide for ODIHR's election observation activities and will help us to conduct our monitoring work with the highest degree of consistency and professionalism, in line with our mandate.

I wish to thank the thousands of election observers and experts who, through their work and valuable feedback, have helped us tremendously in putting this handbook together.

Ambassador Janez Lenarčič
ODIHR Director

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OSCE/ODIHR/GUNNARSÐÓTTIR

Introduction

1.1 About the ODIHR Election Observation Handbook

This handbook sets out the ODIHR's observation methodology and serves as a reference for all ODIHR election observers.¹ It informs the OSCE community at large, including governments of participating States, political parties, candidates, voters, media and civil society, as well as other international organizations, about the basis for the planning, deployment and implementation of and follow-up to an election observation mission (EOM). Further, it elaborates the process by which elections in OSCE participating States are assessed for their compliance with the Organization's election-related commitments, other international standards for democratic elections² and national legislation.

Although ODIHR's methodology has not been altered fundamentally since the first release of the handbook, in 1996, this sixth edition benefits from the knowledge and practical experi-

1 More-detailed and specialized guidance for members of election observation missions is available in a number of other ODIHR publications, including the *Handbook for Long-Term Observers*, *Handbook for Monitoring Women's Participation in Elections*, *Guidelines for Reviewing a Legal Framework for Elections* (a revised version is forthcoming), *Guidelines to Assist National Minority Participation in the Electoral Process*, and the *Handbook on Resolving Election Disputes in the OSCE Area*, as well as *Existing Commitments for Democratic Elections in OSCE Participating States*. All of these publications are available either in hard copy from ODIHR or electronically on the ODIHR website: <<http://www.osce.org/odihr>>. Furthermore, observer handbooks are forthcoming on media monitoring during elections, participation by national minorities in electoral processes, observing registration of voters and electronic voting.

2 For the purpose of this handbook, "other international standards" are defined as election-related universal and regional treaty standards found, for instance, in the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the Convention on the Standards of Democratic Elections, Electoral Rights and Freedom in the Commonwealth of Independent States, as well as non-treaty standards found, for instance, in the Universal Declaration of Human Rights and other political declarations, and general comments by the United Nations Human Rights Committee.

ence accumulated in more than 230 elections that ODIHR has observed to date. ODIHR has a standing commitment to review and refine its methodology in line with relevant OSCE ministerial decisions. This new edition takes into account recent adaptations of mission formats that enable a broader geographic reach for ODIHR election activities, as well as allowing the observation of specific relevant issues. The latest handbook also elaborates on specialized observation issues, such as media monitoring, electronic voting and statistical analysis. Finally, it provides additional guidance on post-election-day observation and follow-up activities.

The release of the sixth edition of the handbook coincides with the 20th anniversaries of the Copenhagen Document and the Charter of Paris. As such, it serves as a reminder of the OSCE's achievements as an organization undertaking credible election observation activities and developing benchmarks or assessing election processes in its participating States.

The handbook's first edition emphasized the fact that an election process is more than a one-day event and reflected ODIHR's enhanced role, according to the Budapest Summit Declaration of 1994, for long-term observation before, during and after election day. Today, following OSCE decisions at Istanbul (1999), Porto (2002), Maastricht (2003), and Brussels (2006), this sixth edition also emphasizes ODIHR's ongoing efforts to further engage OSCE participating States in their commitment to promptly follow up on ODIHR recommendations for improving democratic election processes.

During the decade-and-a-half since the release of the first edition, ODIHR has consistently underlined the importance of long-term engagement and a process-oriented approach. In co-operation with OSCE participating States, ODIHR continues to work towards the common objective of holding democratic elections in line with OSCE election-related commitments.

1.2 How to Use This Handbook

This handbook is structured to provide easy access to specific materials of the most immediate interest to the reader. Chapter 2 describes the background to ODIHR election observation activities, including the fundamental purpose of observation, the broader human rights context and ODIHR's mandate. Chapter 3 gives a brief overview of the OSCE commitments, other international standards for democratic elections, and national legislation against which ODIHR assesses elections in the OSCE region. Chapter 4 presents certain minimum conditions for effective, credible and professional observation. It also explains in detail the role of needs assessment missions. Chapter 5 describes several formats for election-related activities that have been developed to respond appropriately to the needs of participating States and to better assist them in improving their electoral practices and legislation.

The subsequent chapters cover operational aspects of observation missions and are grouped sequentially. Chapter 6 outlines the composition and structure of a standard EOM. Chapter 7 describes, in detail, the methodology for observing the pre-election period. Chapters 8-9 set out the methodology for observing voting and counting procedures, as well as the tabulation of results. Chapters 10-12 focus on the post-election period, including immediate post-election reporting, observing post-election developments, and closing down a mission. The final chapters, 13-15, deal with ODIHR's partnerships with other organizations, the final assessment of an election and options for post-election follow-up.

Finally, the handbook contains four annexes with additional information. Annex A contains all major OSCE election-related commitments found in the 1990 Copenhagen Document and other relevant OSCE documents. Annex B presents a sample questionnaire used by short-term observers (STOs) when visiting polling stations. Annex C provides a bibliography of election-related publications produced by ODIHR. Annex D is a glossary of terms commonly used in EOMs.

Overall, this structure provides a transparent overview of EOMs, their founding principles and their work.

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OSCE/ROBERTO BERNA

Background to International Election Observation

2.1 Why Observe Elections?

As a community of states committed to the respect for human rights, democracy and the rule of law, the OSCE has emphasized democratic elections as a key pillar of long-term security and stability. All OSCE participating States have committed themselves to invite international observers from other OSCE participating States, ODIHR and the OSCE Parliamentary Assembly³ to their elections. As such, the states recognize that election observation can play an important role in promoting transparency and accountability, as well as enhancing public confidence in an electoral process. Deploying observers demonstrably supports democratic processes and can assist OSCE participating States in their stated aim to conduct genuinely democratic elections in line with OSCE commitments. The mere presence of international observers, however, should not be viewed as adding legitimacy or credibility to an electoral process. In general, most electoral processes can benefit from an independent and impartial assessment made by international observers.

Democratic elections are celebrations of fundamental human rights and, more specifically, civil and political rights; election observation, therefore, contributes to their overall promotion and protection. A genuine election is a political competition that takes place in an

³ This commitment was made in the Charter for European Security (Paragraph 25), at the Istanbul Summit 1999, and reconfirmed in OSCE Ministerial Council, Decision No. 19/06 (Paragraph 10), "Strengthening the Effectiveness of the OSCE", Brussels, 6 December 2006.

environment characterized by political pluralism, confidence, transparency and accountability. It provides voters with an informed choice between distinct political alternatives. Such an election presupposes respect for basic fundamental freedoms: expression and information; association, assembly and movement; adherence to the rule of law, including access to effective remedy; the right to freely establish political parties and compete for public office on a level playing field; non-discrimination and equal rights for all citizens, including those belonging to minority groups; freedom from intimidation and pressure; and a range of other fundamental human rights and freedoms that all OSCE participating States have made commitments to protect and promote.

The purpose of an ODIHR election observation activity is to assess the extent to which an electoral process complies with OSCE commitments and other international standards for democratic elections, whether national legislation reflects these commitments, and how it is implemented. The objectives of election observation are to identify areas for improvements and to formulate concrete and operative recommendations that will support the efforts by OSCE participating States to conduct democratic elections in line with OSCE commitments.

2.2 Election Observation in Context

ODIHR's election observation activities have demonstrated the OSCE's commitment to assist participating States in building solid and resilient democratic institutions. Although countries undergoing democratic transition have traditionally been the focus of election observation, other OSCE states also benefit from targeted observation or assessment of their electoral processes. It should be noted that, following the principle of equality of sovereign states, as laid down in Helsinki in 1975, all 56 participating States are equally bound by identical commitments, and they apply equally to all. With this in mind, ODIHR has expanded its election observation activities throughout the OSCE region.

Election observation is a civilian activity. Nevertheless, election observation can take place in post-conflict situations, so long as minimum standards for credible election observation are met. This assumes that an appropriately secure environment exists, allowing for a meaningful election process to be conducted and for free, unimpeded movement for election observers. The value of election observation is essentially negated if security requirements prevent participants in an election observation activity from obtaining information, moving freely throughout a country, or meeting with all election stakeholders. Under these conditions, the credibility of any findings can be questioned.

2.3 ODIHR's Mandate for Election Observation

ODIHR's mandate to observe elections derives from Paragraph 8 of the 1990 Copenhagen Document, confirmed by the 1990 Charter of Paris for a New Europe, the 1993 Document of the Fourth Meeting of the Conference for Security and Co-operation in Europe (CSCE) Council of Ministers (Rome), the 1994 Budapest Summit Document, the 1999 Istanbul Summit Document (Charter for European Security), and the 2006 Decisions of the Fourteenth Ministerial Council (Brussels).

ODIHR was originally established as the Office for Free Elections by a decision taken at the 1990 Paris Summit of the CSCE — the OSCE’s predecessor. The Office’s original mandate was to foster the implementation of OSCE commitments specifically in relation to democratic elections and to facilitate contacts and exchange of information on elections. It began to undertake small-scale election observation activities shortly after its establishment.

The Office was renamed the Office for Democratic Institutions and Human Rights in 1992, when its mandate was broadened to other aspects of the human dimension. In 1993, the CSCE Council meeting in Rome decided on “the enhancement of [ODIHR’s] role in comprehensive election monitoring”.⁴ The following year, in recognition that an election process is more than a one-day event, the Budapest Summit decided that ODIHR should “play an enhanced role in election monitoring before, during and after elections”.⁵ The Budapest Summit also specifically tasked ODIHR with “assessing the conditions for the free and independent functioning of the media” in connection with elections, “to develop a handbook for election monitors”, and to set up a “rolling calendar for upcoming elections”.⁶

In the Charter for European Security, adopted at the OSCE Istanbul Summit in 1999, the participating States specifically committed themselves to invite ODIHR to observe their elections. Recognizing in the same document that observation of elections is not an end in itself but is designed to lead to improved electoral practices, the participating States added another important, new commitment: “We agree to follow up promptly the OSCE/ODIHR’s election assessment and recommendations.”⁷ ODIHR’s election observation mandate was reaffirmed by participating States at the 2006 OSCE Ministerial Council, in Brussels.⁸

2.4 Where, What and When to Observe

ODIHR only observes elections held in OSCE participating States. While the 1990 Copenhagen Document provides for observing “national election proceedings”, the 1999 Charter for European Security and the 2006 Ministerial Council expanded the scope of observation by omitting the word “national”, thus granting ODIHR the mandate to monitor elections at all levels, when invited. While ODIHR has primarily focused on direct elections for state institutions at the national level, such as presidential and parliamentary elections, a limited number of regional and local elections and some referenda have also been observed.

The funding for ODIHR’s election observation comes exclusively from the OSCE unified budget, which is approved by consensus among the OSCE participating States. There are many elections in any given year within the OSCE region, and ODIHR does not have the required human and financial resources to observe them all. Therefore, a careful allocation of available resources is required in order to maximize their use. The decision whether to observe an

4 Document of the Fourth Meeting of the CSCE Council, Rome, 1993, Decisions, Chapter IV, Paragraph 4. Other OSCE documents referred to in this handbook are available on the OSCE website, <<http://www.osce.org/odihr>>. See also *OSCE Human Dimension Commitments: Thematic and Chronological Compilations*, (Warsaw, OSCE/ODIHR, 2005), <http://www.osce.org/odihr/item_11_16237.html>, and <http://www.osce.org/odihr/item_11_16238.html>.

5 OSCE, Concluding Document of Budapest, Decisions, Chapter VIII, Paragraph 12.

6 This calendar is available on the ODIHR website at <<http://www.osce.org/odihr>>.

7 Charter for European Security, *op. cit.*, note 3.

8 OSCE Ministerial Council, Decision No. 19/06, *op. cit.*, note 3.

election is based on the conduct of a needs assessment mission (NAM), which advises on the type, format, duration and scope of a potential election observation activity (see section 4.2 for more details). In cases of early elections, NAMs may not always be possible, due to shortened timeframes.

2.5 Declaration of Principles for International Election Observation

ODIHR's election observation methodology is further supported by the Declaration of Principles for International Election Observation, commemorated at the United Nations in 2005 and endorsed by a broad range of organizations conducting election observation throughout the world.⁹ As one of the initial organizations to endorse the Declaration, ODIHR once more demonstrated its commitment to observing elections in a manner that promotes the integrity and credibility of election observation based on the principles of independence, impartiality and professionalism, as enunciated also by the 2006 OSCE Ministerial Council.¹⁰ The Declaration stresses such principles as the grounding of election observation in international human rights law, the long-term nature of elections, the need to establish minimum conditions for credible observation, and the important role of domestic election observers. At the same time, the Code of Conduct for International Election Observers that accompanies the Declaration reflects the principles of ODIHR's Observer Code of Conduct.

Building on these international efforts, the European Commission for Democracy through Law (Venice Commission) of the Council of Europe has adopted guidelines on an internationally recognized status for election observers, which set forth the rights and duties of election observers, both domestic and international.¹¹

9 Commemorated 27 October 2005 at the U.N., New York (available at <http://www.osce.org/documents/odhr/2005/11/16968_en.pdf>). While not constituting a formal commitment binding states, the Declaration of Principles has been endorsed by almost all international organizations and bodies regularly conducting election observation, and provides a common point of reference and guiding principles for credible and professional international election observation (see <http://cartercenter.org/peace/democracy/des_endorsing_organizations.html>). In his report on strengthening the role of the UN in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/64/304 (2009)), the UN Secretary General encourages others to join the emerging consensus regarding these principles.

10 OSCE MC Decision 19/06 on Strengthening the Effectiveness of the OSCE, Paragraph 13.

11 Venice Commission, Guidelines on an Internationally Recognized Status for Election Observers, CDL-AD(2009)059, Strasbourg, 14 December 2009, <[http://www.venice.coe.int/docs/2009/CDL-AD\(2009\)059-e.asp](http://www.venice.coe.int/docs/2009/CDL-AD(2009)059-e.asp)>.

3



OSCE/JENS ESCHENBACHER

OSCE Commitments and Other International Standards for Democratic Elections

Drawing on universal principles, all OSCE participating States have agreed that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.”¹²

ODIHR election missions assess election processes throughout the OSCE region for their compliance with OSCE commitments, as well as with international standards for democratic elections and with national legislation. For example, if a state is a party to UN human rights treaties or other international and regional instruments relevant to elections,¹³ the state’s adherence to these standards will also be taken into account when assessing elections.

3.1 OSCE Commitments

OSCE participating States have committed themselves to a wide array of standards to support, protect and promote democratic governance and human rights. They have recognized that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms. They have, therefore, welcomed the commitment to

¹² CSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Paragraph 6.

¹³ For instance, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Commonwealth of Independent States.

the ideals of democracy and political pluralism, as well as their common determination “to build democratic societies based on free elections and the rule of law”. They have also expressed “their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in establishing a lasting order of peace, security, justice and co-operation in Europe”.¹⁴

Participating States have reaffirmed that democracy is an inherent element of the rule of law and have recognized the importance of pluralism with regard to political organizations. They have also committed to a clear separation between the state and political parties. In particular, political parties are not to be merged with the state.¹⁵

Most of the basic commitments relating specifically to elections are contained in paragraphs 6-8 of the 1990 Copenhagen Document. However, there are also relevant commitments related to a broad range of civil and political rights, rule of law issues and non-discrimination provisions that are taken into account in all election-related activities. All observers should become familiar with these commitments, the full text of which is included in Annex A. In summary, the commitments require states to:

- › Hold free elections at reasonable intervals;
- › Permit all seats in at least one chamber of the legislature to be popularly elected;
- › Guarantee universal and equal suffrage;
- › Respect the right of citizens to seek office;
- › Respect the right to establish political parties and ensure that parties can compete on the basis of equal treatment before the law and by the authorities;
- › Ensure that political campaigning can be conducted in an open and fair atmosphere without administrative action, violence, intimidation or fear of retribution against candidates, parties or voters;
- › Ensure unimpeded media access on a non-discriminatory basis;
- › Ensure that votes are cast by secret ballot and that they are counted and reported honestly, with the results made public; and
- › Ensure that candidates who receive the number of votes necessary to be elected are duly installed in office and are permitted to remain in office until their term expires.

In addition, Paragraph 8 of the 1990 Copenhagen Document states that the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process. The document includes a standing invitation from all participating States to all other participating States, as well as to appropriate private institutions and organizations, to observe their national election proceedings. As previously noted, participating States also endeavoured in subsequent decisions to facilitate similar access for observers to elections below the national level.

14 See Document of the Copenhagen Meeting, *op. cit.*, Note 12, Preamble. For more detailed information on OSCE commitments pertaining to elections, see *OSCE Human Dimension Commitments, op. cit.*, Note 4 and *Existing Commitments for Democratic Elections in OSCE Participating States*, (Warsaw, OSCE/ODIHR, 2003), < http://www.osce.org/documents/odihr/2003/10/772_en.pdf>.

15 Document of the Copenhagen Meeting, *op. cit.*, paras. 3 and 5.4.

The respect for fundamental freedoms is central to holding democratic elections and occupies a prominent place in OSCE documents. In Copenhagen in 1990, participating States reaffirmed that “everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”¹⁶ In Budapest in 1994, the states reaffirmed that “freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government.” They committed to safeguarding this right.¹⁷ They also declared that “everyone has the right of peaceful assembly and demonstration”¹⁸ and guaranteed the right of association.¹⁹ The Copenhagen Document states that any restrictions that may be placed on the exercise of these fundamental rights will be prescribed by law and consistent with international standards.

Other OSCE documents include additional commitments on elections. The Lisbon Summit Declaration of 1996, for example, cites electoral fraud as a violation of human rights and a regional security issue. It commits all participating States to addressing this problem. The document adopted at the 1999 Istanbul Summit reiterates the commitment of OSCE participating States to “hold free and fair elections” and contains the commitment “to secure the full right of people belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin”. As previously noted, participating States have also committed themselves to promptly follow up on ODIHR assessments and recommendations.

In the field of human rights and fundamental freedoms, participating States have made the commitment to act in conformity with the purposes and principles of the UN Charter and with the Universal Declaration of Human Rights. They also committed to fulfilling their obligations as set forth in international declarations and agreements by which they are bound in this field, including the international covenants on human rights.²⁰ Later, they called on all participating States to act in conformity with those international instruments and on those participating States that had not yet done so to consider the possibility of acceding to the covenants.²¹

3.2 Universal Human Rights Instruments

As noted above, all OSCE participating States have committed themselves to act in conformity with the purposes and principles of the UN Charter and the Universal Declaration of Human Rights (UDHR). The Charter is a legally binding international treaty in which states agreed that one of the purposes of the United Nations is “to achieve international co-op-

16 *Op. Cit.*, note 12, Paragraph 9.1

17 Budapest Decision, VIII. The Human Dimension, 1994, Paragraph 36.

18 *Op. Cit.*, note 12, Paragraph 9.2.

19 *Ibid.*, Paragraph 9.3.

20 See the Helsinki Final Act, 1975, Declaration of Principles, Part VII,

21 See the Madrid Document, 1983, Principles.

eration ... in promoting and encouraging respect for human rights and for fundamental freedoms.” The UDHR, which establishes the right to genuine elections, elaborates on the Charter with a compelling political and moral force and is broadly considered to be customary international law.

Article 21 of the UDHR states that, “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” The same article also establishes free elections as the only basis of governments’ authority: “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.” The UDHR also sets out other rights essential to electoral processes, including fundamental freedoms of expression, association and peaceful assembly.

The rights included in the UDHR have been reiterated and expanded in the International Covenant on Civil and Political Rights (ICCPR), a UN human rights treaty ratified by all OSCE participating States. As a treaty, the ICCPR creates legal obligations for states to comply with its provisions. Article 25 of the ICCPR grants every citizen, without discrimination, the right to vote and to compete for public office. The ICCPR expands upon many other civil and political rights enshrined in the UDHR. General Comment No. 25 (1996) issued by the United Nations Human Rights Committee (HRC)²² provides a detailed interpretation of Article 25 of the ICCPR.

Other UN human rights instruments include specific provisions concerning electoral rights, as well as other human rights that may relate to elections. For example, Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) guarantees everyone, without distinction or discrimination, “political rights, in particular the rights to participate in elections — to vote and stand for election...”. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guarantees, in Article 7, women’s right to participate in political life and elections on the same basis as men.

The large majority of OSCE participating States have ratified the CERD and CEDAW and are bound by their provisions. A number of OSCE participating States have also ratified the Convention on the Rights of Persons with Disabilities, in which Article 29 guarantees the right of those with disabilities to “fully participate in political and public life on an equal basis with others...”, including the right to vote and be elected. In addition, the UN Guiding Principles on Internal Displacement state that internally displaced persons have the same rights as all other citizens, including the right to vote and to participate in governmental and public affairs.

3.3 Regional Human Rights Instruments

While OSCE commitments are the primary basis for assessments by ODIHR, other regional standards for democratic elections are also taken into account.

The majority of OSCE participating States are also members of the Council of Europe (CoE) and are, therefore, bound by the European Convention on Human Rights (ECHR) and, follow-

22 The HRC is the treaty body responsible for overseeing the implementation of the ICCPR.

ing their ratification, by its protocols, as well as by other treaties adopted by the CoE that may include election-related obligations.²³ Article 3 of the ECHR's first protocol requires states to "hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature". In OSCE participating States that are CoE members, individuals may also file a complaint with the European Court of Human Rights to redress election violations, after having exhausted domestic remedies. The Court's decisions contribute to the interpretation of election-related provisions including in relevant CoE conventions. The judgments are indicative to all CoE Member States, which are encouraged to take them into consideration. They are only binding, however, on the CoE Member State that is the subject of the judgment.

The European Union has also adopted treaties with provisions related to democratic elections, including the Treaty on the EU and the EU Charter of Fundamental Rights.²⁴ These treaties are only binding upon EU member states.

The Commonwealth of Independent States (CIS) has adopted the Convention on Standards of Democratic Elections, Electoral Rights and Freedoms.²⁵ The Convention creates obligations for those 5 OSCE participating States that belong to the CIS and that have ratified the Convention.

The Organization of American States (OAS) has adopted the American Convention on Human Rights, the provisions of which are legally binding on States that have signed and ratified it.²⁶ The Convention sets forth fundamental rights and freedoms necessary for the holding of democratic elections. The Convention creates obligations for those two OSCE participating States that belong to the OAS and that have ratified the Convention.

3.4 Electoral Good Practices

There are also documents that identify good practice in the holding of genuinely democratic elections in line with regional and international standards. These documents are not binding but can be utilized in election-related activities as a basis for providing guidance to participating States. They provide examples of how international or regional obligations might be carried out by a state. While some of these documents have an international dimension,²⁷ others have a regional one.²⁸

3.5 Practical Implications

The following sections briefly set out some key principles enshrined in OSCE commitments and other international standards to which particular attention should be paid in election-

23 Council of Europe documents are available on its website, at <www.coe.int>.

24 For more details, see <<http://eur-lex.europa.eu/en/treaties/index.htm>>.

25 For more information, see the CIS website, at <<http://www.cis.minsk.by>>.

26 For more information, see the OAS website, at <<http://www.oas.org/en/default.asp>>.

27 For instance, UN General Assembly resolutions on periodic and genuine elections, or general comments by the UN Human Rights Committee or the CEDAW Committee.

28 For instance, recommendations by the Committee of Ministers of the CoE, other election-related documents published by the Venice Commission, and such as the Code of Good Practice in Electoral Matters, and the Inter-Parliamentary Union's Declaration on Criteria for Free and Fair Elections.

related activities. These include the principles of periodic elections that are genuine, free elections and fair elections, based on universal and equal suffrage, with voting by secret ballot and the honest counting and reporting of results. Each state has the primary responsibility to ensure that these commitments are respected.

PERIODIC ELECTIONS Democratic elections should be held at regular intervals, as established by law. Further, the period of time between elections should not be unduly long. Within the OSCE region, seven years is generally viewed as the maximum reasonable period between elections for a chief executive, although most countries have opted for intervals of four or five years. Five years is generally viewed as a maximum reasonable period between elections for lower houses of parliament.

GENUINE ELECTIONS This principle presupposes that the electoral process will take place in an environment where fundamental freedoms are respected and where political pluralism exists. It also requires that elections be conducted in an accountable and transparent manner and provide a real choice between political alternatives for voters, thereby ensuring the overall confidence of the electorate. An election's genuineness can be called into question if fundamental rights and freedoms are not respected, if there is a lack of genuine choice for voters, if there is no credible political competition, or if there is no meaningful prospect for voters to have the power to vote incumbents out of office.

FREE ELECTIONS This requires that all citizens enjoy their fundamental rights of freedom of expression, association, peaceful assembly and movement. Voters should be able to cast their ballots free from intimidation, violence or administrative interference and without fear of retribution. Voters should be able to freely choose their representatives without undue influence or pressure. No obstacle should prevent candidates from freely presenting their views or voters from engaging in campaign activities or learning about these views. Citizens should be free to meet peacefully to discuss or elaborate political viewpoints without undue administrative or bureaucratic hindrance. The media should be able to cover the campaign freely, without interference or unreasonable restrictions imposed by authorities. Domestic observers, including proxies for individual candidates or parties and civil society organizations, should be free to observe all stages of the election process before, during and after election day.

FAIR ELECTIONS Equal conditions should be ensured for all participants in the election process so that they compete on a level playing field. The legal framework should reflect OSCE commitments and other international standards, and election legislation should be implemented fairly and impartially. All election contestants who wish to run for office should be able to do so and to compete on the basis of equal and impartial treatment under the law and by the authorities. Candidates and political parties should have unimpeded access to the media on a non-discriminatory basis, and state or public media should meet their special responsibility for providing sufficient, balanced and impartial information to enable the electorate to make well-informed choices. Campaign finance regulations should not favour or discriminate against any particular party or candidate. There should be a clear separation between state and party, and public resources should not be used unfairly for the benefit of any candidate or parties.

The election administration at all levels should act in a professional, efficient and unbiased manner. The voting, counting and tabulation processes should be free from fraud or manipulation to ensure that the will of voters is reflected through the election results. Candidates, parties and voters should have access to prompt and effective redress, including through an independent judiciary. Those responsible for violations of law should be held accountable in a timely manner. Candidates who receive the required number of votes to be elected should be duly installed in office.

UNIVERSAL SUFFRAGE This principle requires that all eligible citizens should be given the right to vote and to stand for office. The circumstances under which the rights to vote and to stand for office may be limited should be provided by law. Any restriction should be reasonable and clearly be justified by exceptional circumstances. The suspension or deprivation of suffrage rights for a convicted criminal should be imposed by a court and should be proportional to the seriousness and the nature of the underlying crime. There should be an effective, impartial, non-discriminatory, inclusive and accurate voter-registration procedure that ensures all eligible citizens the right to vote. There should be no restrictions on voting by persons belonging to minorities, by women or by other groups of adult citizens. All voters, including the disabled, should have effective and easy access to polling stations or other voting procedures. There should be provisions for voting by internally displaced persons. In line with good international practice, enfranchisement of voters residing abroad could also be considered. Requirements for candidacy should be reasonable and applied in a non-discriminatory fashion. Independent candidates should be guaranteed the right to stand for office, including in systems based on proportional representation.

EQUAL SUFFRAGE This entails that each citizen's vote should have the same value. Under proportional representation systems, the number of representatives in each district should be proportionate to the size of the electorate or population. Under majority voting systems, equal suffrage means that the size of the electorate or population of electoral constituencies should be approximately equal. In addition, each voter should have the same number of votes as per the principle of equal voting rights: "one voter, one vote". In that respect, effective safeguards should be in place so as to protect against multiple voting.

VOTING BY SECRET BALLOT Voters should mark their ballots alone, in the privacy of a voting booth, and in such a way that the marked ballot cannot be seen before it is cast and cannot be later connected with a particular voter. Exceptions can be made only under specified conditions, such as at the request of voters who require assistance, e.g., disabled or illiterate voters. Any voting outside of a voting booth compromises the secrecy of the vote. The presence of more than one person in a voting booth should not be permitted, as it compromises the secrecy of the vote. Open voting or unlawful voting by proxies are violations of the secrecy principle. Arrangements for voting by members of the military and by prisoners should ensure their votes are secret and not subject to coercion.

HONEST COUNTING AND REPORTING OF RESULTS This principle requires that the officials conducting counting and tabulation procedures carry out their tasks impartially, efficiently and accurately. Ballot papers should be deemed valid if the intent of the voter is clear. All aspects of the counting process should be transparent. Posting protocols with results outside of polling stations upon completion of counts, and posting detailed results by polling stations on

the Internet can enhance transparency and confidence in the election results. The tabulation of results should be visible and verifiable from the polling-station level through all of the intermediate levels of election administration and to the national election authority. Results should be publicly reported in a timely manner. Any unreasonable delay in the announcement of results might cause concern about the integrity of the tabulation process and could weaken public confidence.

4



Assessing the Conditions and Needs for Election-Related Activities

ODIHR election-related activities are based on certain minimum conditions for effective, credible and professional observation, and are generally preceded by the conduct of an NAM.

4.1 Conditions for Effective, Credible and Professional Observation

In order to ensure effective, credible and professional observation, the host government needs to facilitate the work of ODIHR so that it is able to carry out its duties in a comprehensive and timely manner. ODIHR should specifically be able to:

- › Decide on a specific type of election-related activity based on the assessment of the needs;
- › Determine the number of observers necessary to provide for broad, balanced geographic coverage in order to conduct comprehensive and meaningful observation before, during and after election day. These numbers are based on an assessment of needs (See section 4.2 on the Needs Assessment Mission);
- › Receive accreditation for all of its observers through a simple and non-discriminatory procedure;
- › Establish a mission within a timeframe that permits long-term observation of all phases of the election process;
- › Obtain all necessary information regarding the electoral process from authorities at all levels in a timely manner;

- › Meet with state and local authorities from the executive, legislative and judiciary branches, with candidates, members of all political parties, representatives of civil society and the media, and with all other individuals and groups of its choice at the central, regional and local levels;
- › Have the freedom to travel in all regions of the country before, during and after the election, without any restriction or prior notification;
- › Have a secure environment in which to operate for a meaningful election process;
- › Have unimpeded access to polling areas, election commissions, and counting and tabulation centres throughout the country;
- › Be able to issue public statements and reports.

Given that the OSCE Copenhagen Document provides for a standing invitation to observe, a formal invitation to observe elections is not needed in principle. However, the practice has been that participating States extend a written invitation to ODIHR in a timely manner to re-affirm their commitments and willingness to receive international observers.

Credible, effective and professional observation is essentially undermined where these basic conditions do not exist and, as a result, an observation mission may not be deployed.

4.2 The Needs Assessment Mission

A needs assessment mission (NAM) is usually deployed several months before a given election to assess the pre-election environment, including preparations for the event, to recommend whether an election-related activity is necessary and, if so, what type of activity best meets the identified needs. Since a NAM is not formally part of an observation process and to ensure timely preparation for a possible observation activity, it can be initiated before a written invitation is received from an OSCE participating State. A NAM is conducted over a period of several days by ODIHR Election Department staff and can include operations, security and other experts, as required. Based on the 1997 Co-operation Agreement between ODIHR and the OSCE Parliamentary Assembly (OSCE PA), ODIHR initiates a NAM in consultation with the OSCE PA. Representatives of the Assembly sometimes join NAMs.

In general, a NAM will meet with election administration officials and officials from government authorities (the Foreign Ministry, other institutions involved in elections, such as the Interior or Local Government Ministries, institutions dealing with minority groups and human rights, etc.), representatives from political parties, the media, civil society organizations and OSCE field operations (where relevant), diplomatic representations from OSCE participating States, and any other relevant international organizations.

When recommending a possible election-related activity, the NAM takes into account a number of criteria:

- › The existence of minimum conditions for effective, credible and professional election observation as outlined above;
- › Political pluralism in the electoral process;
- › Respect for fundamental freedoms;
- › Public confidence in the electoral process;
- › Transparency of the electoral process;

- › A pluralistic media environment;
- › Extent of follow-up to previous ODIHR recommendations; and
- › The added value of a possible ODIHR election observation activity.

Based on these criteria, a NAM may recommend one of a number of specific formats for election-related activity: a full-scale election observation mission, a limited election observation mission, an election assessment mission or the deployment of an expert team (see Chapter 5 for more detailed descriptions of the different formats). The format of an election-related activity is determined by the needs of the participating State under consideration and the expected added value of an ODIHR presence. A NAM has to consider how ODIHR's limited resources can be used most efficiently to provide the best possible assistance to a participating State in improving the conduct of its elections and to maximize the utility of the Office's election-related activities.

When election stakeholders express confidence in the electoral process and there is a past record of genuine elections, where effective democratic institutions exist and there are free, independent media and a vibrant civil society that can address electoral challenges, a NAM might conclude that an ODIHR presence would not add much value to the process, and recommend no election-related activity. There are a number of other circumstances under which a NAM might not recommend any election-related activity. There might, for instance, be a lack of genuine political pluralism and respect for fundamental rights and freedoms that would prevent free and fair competition between election contestants representing distinct political alternatives. A lack of implementation of previous ODIHR recommendations by a participating State might render the establishment of an ODIHR activity meaningless, as its recommendations are likely to be identical to those already made. The security situation or other factors affecting the situation in a participating State may hamper ODIHR's ability to carry out effective, credible and professional election observation and prevent an impartial and independent assessment of elections.

The recommendation of the specific format, scope and scale of an election activity is included in the NAM Report, which is circulated to all participating States and published on the ODIHR website. The report recommends the number of analysts required for a specific mission, as well as the number of long-term observers (LTOs) and STOs that participating States may be requested to second in order to ensure comprehensive election observation. When establishing the optimal number of LTOs and STOs (if any), the NAM may consider several factors. These include the type of election, the number of electoral districts involved, the size of the electorate, the country's geography, the structure of its election administration at the sub-national level, the number of polling stations, the number of observer reports needed for a statistically relevant sample of polling stations, and whether the number of observers in previous ODIHR missions to the country was optimal.

The NAM report should include a preliminary assessment of election preparations, including:

- › The extent to which recommendations from previous ODIHR election observation activities have been implemented;

- › The pre-election environment, including the extent to which human rights and fundamental freedoms, as they relate to the upcoming election, are respected by the state;
- › The legal framework for elections, including any amendments made since the last election (whenever possible or relevant, ODIHR will prepare a separate analysis of election legislation);
- › The composition and structure of the election administration, the status of its preparations for the election and the extent of public and political confidence in its impartiality, independence, efficiency and professionalism;
- › The level of political pluralism and whether the field of candidates and parties expected to contest the elections represents a genuine choice for voters;
- › The status of the media and their expected role in the elections;
- › The existence of effective check and balance mechanisms, such as pluralistic and independent media, access to effective legal remedies, vibrant civil society and domestic observation;
- › Any election-related concerns expressed by election stakeholders and other issues of particular relevance, such as voter registration, the candidate/party registration process, the participation of women, the participation of minorities and domestic observation;
- › The degree to which interlocutors believe that ODIHR election observation activity can serve a useful purpose and add value; and
- › The overall security situation.

5



OSCE/ROBERTO BERNA

Responding to the Needs of OSCE Participating States

In recent years, ODIHR has adapted its election observation activities and developed several formats for election-related activities in order to respond effectively to the needs of participating States, to better assist them in improving their electoral practices, to maximize the usefulness of an ODIHR presence, and to assess electoral processes in a broader range of participating States while having at its disposal the similar level of resources.

5.1. The Election Observation Mission

In cases when a NAM determines that there is limited confidence among election stakeholders in the election administration, the long-term process and election-day proceedings, and that the presence of observers could enhance public trust in the process, the deployment of a full-scale election observation mission (including LTOs and STOs) might be recommended. An ODIHR election observation mission is the most comprehensive form of ODIHR observation activity. An EOM assesses the conduct of elections for their compliance with OSCE commitments, other international standards for democratic elections, as well as with national legislation. They also offer concrete recommendations for possible improvements.

A standard EOM is composed of a core team of analysts, and LTOs and STOs. It should be noted that if new developments after the establishment of an EOM make it clear that election-day

observation will not be meaningful or that restrictions on observers make comprehensive and credible observation impossible, ODIHR may decide not to deploy STOs.

An EOM is usually deployed from six to eight weeks before election day and follows all key aspects of an electoral process: the legislative framework, candidate and voter registration, the campaign, the role of the media (including comprehensive media monitoring), the election administration, election dispute resolution, participation of women and national minorities, and the voting, counting and tabulation process on election day, as well as post-election complaints and appeals.

An EOM issues interim reports before election day and a statement of preliminary findings and conclusions immediately after it, usually jointly with partner observer organization(s) with which it forms an international election observation mission. A comprehensive final report is issued approximately two months following the completion of the election process. The final report provides concrete recommendations for improving the process.

The structure of EOMs and the observation methodology for election-day proceedings and post-election developments are described in detail in Chapters 6 to 12.

5.2. The Limited Election Observation Mission

A limited election observation mission (LEOM), without STOs on election day, may be deployed where the NAM determines that serious and widespread problems on election day at the polling-station level are unlikely, but that observation of the entire long-term process throughout the country might still produce useful recommendations. In these instances a high level of public confidence in election-day activities and a lack of systematic election-day concerns will have been expressed to the NAM. In such cases, the value added of an election activity is determined to lie primarily in long-term observation.

Conversely, the decision to deploy an LEOM may be made when the NAM has concluded that conditions have not been established for a meaningful election-day process, primarily due to a lack of genuine political pluralism and distinct choice offered to voters, and that the deployment of STOs will not bring any added value. However, the electoral process may nonetheless benefit from a comprehensive assessment and subsequent recommendations, especially where there is a commensurate political will to engage in a post-election dialogue about recommendations for improving the general conduct of elections.

In such a format a core team of analysts is deployed to the capital of the country where the election is being held, LTOs are sent into its various regions, but no STOs are deployed to monitor election-day proceedings. The duration of an LEOM is similar to that of standard EOMs, so as to allow it to follow all aspects of the long-term election process. Other aspects of an LEOM — such as the composition of the core team, the recruitment, briefing and deployment of LTOs, media monitoring and reporting of the mission's findings — follow the model of a standard EOM.

As an LEOM has a long-term focus, it will assess aspects of the long-term election process for their compliance with OSCE commitments, other international standards and national legis-

lation, but it will not undertake a systematic and comprehensive observation of election-day proceedings.

5.3. Election Assessment Missions

Another initiative taken by ODIHR to fulfil its mandate has been the development of election assessment missions (EAMs). EAMs do not comprehensively observe the whole election process but, instead, follow specific issues identified by NAMs. An EAM will not draw an overall conclusion about an election's compliance with OSCE commitments, other international standards and national legislation, but will assess these specific issues based on these standards. In its final report, the EAM will note possible departures from applicable standards and will also offer relevant recommendations for the improvement of the process.

An EAM is normally deployed in situations where election stakeholders express full confidence in the election process and the impartiality and transparency of the election administration, and where political pluralism, respect for fundamental freedoms, effective democratic institutions, free, independent media and vibrant civil society are noted by a NAM. While there may be no added value in a long-term presence or in the systematic deployment of STOs in such circumstances, issues may nevertheless be identified that ODIHR could examine. Such issues could include the legal framework for elections, the media environment, minority rights, campaign finance, the use of new technologies in voting and counting processes and election dispute resolution, as well as any other specific issues that may warrant some scrutiny.

Conversely, an EAM can also be deployed when there is an interest in maintaining dialogue with election stakeholders in a participating State but where there is a lack of political pluralism offering a genuine choice between competing political alternatives, previous ODIHR priority recommendations have not been implemented, there is a lack of progress in bringing the legal framework for elections closer in line with OSCE commitments, or an observation activity, even of a limited nature, is unlikely to add any significant value.

An EAM generally consists of a team of approximately a dozen analysts, who visit a country and some of its regions for approximately two weeks, including election day. However, the format and the scope of an EAM are issue-driven, so the size, composition and duration may differ from mission to mission. The expertise of EAM members should be specific to the issues that the mission is to follow, but generally should include at least a mission head, deputy head, and legal, election and political analysts. Although EAMs do not generally conduct media monitoring, each mission should include a media analyst to report on the structure, functioning and regulation of media during elections.

Team members are generally deployed in pairs for several days outside the capital to collect information, and to assess election preparations and the conduct of the campaign at the regional level. Team members also visit a few polling stations on election day but do not conduct any systematic and comprehensive election-day observation. An EAM, due to its limited scope and shorter duration, does not attempt to comment on an election process in the same comprehensive manner as an observation mission.

An EAM does not issue interim reports or a public statement immediately following election day, nor does it hold press conferences. An EAM does, however, issue a final report

approximately two months following the completion of the election process. The final report provides concrete recommendations for improving the process.

5.4. Expert Teams

There may be unique circumstances in which the formats outlined above do not respond adequately to the needs identified. In such instances, ODIHR may decide to deploy an expert team. These instances can include situations where the regular ODIHR election observation methodology cannot be applied, such as supra-national elections (2009 elections to the European Parliament). Expert teams can also be deployed in instances in which ODIHR is not observing an election. In the case of parliamentary by-elections, for example, it may deploy an expert team to support an OSCE field operation, upon its request. This is done to enhance the field mission's expertise and reporting capacity for the election in question.

Expert teams are deployed for shorter periods of time than other observation-related activities, usually arriving several days prior to an election and leaving soon after election day. While these teams generally do not issue public reports or make public comments, it may be useful in certain circumstances for the team to issue a public report about its findings, which may also contain concrete recommendations for improvements.²⁹

5.5 Common Features of ODIHR Election-Related Activities

a. Recruitment for ODIHR election-related activities

Members of ODIHR election-related field activities are selected through an open recruitment procedure. Prior to each activity and, generally, following the publication of the NAM report, ODIHR posts a call for applications on its website and contracts core team members from among these applicants, based on the qualifications and experience of the candidates, but also taking into account nationality and gender to ensure diversity in the make-ups of the teams. All applicants are asked to register in the ODIHR roster of experts.³⁰

Observers, both long- and short-term, are seconded to ODIHR by OSCE participating States. For each EOM, ODIHR sends a Note Verbale to all states requesting that they second LTOs and STOs for that particular mission. In order to promote geographic diversity among observers, each participating State may second a maximum of ten per cent of the total number of LTOs or STOs requested. Additionally, some LTOs and STOs are recruited through ODIHR's extra-budgetary fund for the diversification of EOMs, which was established in 2001. The fund has been exceptionally important to ODIHR in its efforts to increase diversity in the composition of EOMs, by guaranteeing the participation of election observers from Eastern Europe, South-Eastern Europe, the South Caucasus and Central Asia.³¹ This permits a wider diversity

²⁹ In 2004, 2005 and 2009, the OSCE Permanent Council tasked ODIHR to deploy Election Support Teams to elections in Afghanistan, an OSCE Partner for Co-operation.

³⁰ ODIHR recommends that interested experts regularly update their information in the ODIHR database of experts to assist it in staffing missions. In some cases, ODIHR may need to recruit directly from the database.

³¹ In 2010, the 17 OSCE participating States eligible for the Fund are as follows: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Uzbekistan, Serbia, Tajikistan, Turkmenistan and Ukraine.

of experience within observation missions, often from participating States that do not regularly second observers.

ODIHR election observers must be citizens of OSCE participating States. On occasion, ODIHR has accepted short-term guest observers from OSCE Partners for Co-operation.³² To ensure neutrality, ODIHR's methodology does not allow citizens to observe elections in their own countries. As English is the working language of ODIHR EOMs, all members of an EOM, including LTOs and STOs, must be able to communicate effectively in both spoken and written English. Proficiency in a second language widely used in the area of deployment is an asset.

Specific information on each ODIHR EOM is available on a special webpage created upon deployment of the mission.³³

b. The ODIHR Observer Code of Conduct

The Observer Code of Conduct was developed to ensure that all members of an EOM conduct themselves according to the highest professional and personal standards and behave in a manner consistent with the role of an independent and impartial observer. The role of an observer is limited to observing and reporting. Observers have no authority to instruct, assist or interfere in the voting, counting, tabulation or other aspects of the electoral process. All ODIHR observers are required to sign the Code of Conduct when they receive their accreditation. The Code of Conduct is binding on all ODIHR observers, and any serious infraction of the code will lead to the immediate withdrawal of an observer's accreditation.

CODE OF CONDUCT FOR ODIHR OBSERVERS

- Observers will maintain strict impartiality in the conduct of their duties and will at no time publicly express or exhibit any bias or preference in relation to national authorities, parties or candidates, or with reference to any issues in contention in the election process.
- Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. Observers may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions.
- Observers will remain on duty throughout election day, including observation of the vote count and, if instructed, the next stage of tabulation.
- Observers will base all conclusions on their personal observations or on clear and convincing facts or evidence.
- Observers will not make any comments to the media on the electoral process or on the substance of their observations, and any unauthorized comment to the media will be limited to general information about the observation mission and the role of the observers.
- Observers will not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations.
- Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.

32 OSCE Permanent Council, Decision No. 233, 11 June 1998, and the OSCE Ministerial Declaration on the OSCE Partners for Co-operation (MC.DOC/1/07), Paragraph 12, Madrid, 2007.

33 Individual EOM web pages can be found on the ODIHR website, at < <http://www.osce.org/odhr>>.

- Observers will comply with all national laws and regulations.
- Observers will exhibit the highest levels of personal discretion and professional behaviour at all times.
- Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the ODIHR EOM.

As stipulated by the Observer Code of Conduct, all observers are expected to strictly adhere to the deployment plan prepared by the mission and to all security instructions. Observers should also respect the OSCE Code of Conduct and the OSCE instruction on Professional Working Environment Policy against Harassment, Sexual Harassment and Discrimination. These prescribe that staff should conduct themselves in the highest personal and professional level and should act impartially. Staff should be treated equally and with respect, regardless of gender, “race”, religion or belief, nationality, ethnic or social origin, age, sexual orientation, marital status or other aspects of personal status. They strictly prohibit any behaviour that constitutes harassment, sexual harassment or discrimination.

c. Contacts with the Media

Media representatives often approach observers before or on election day for a comment on the election process. The Observer Code of Conduct prohibits observers from making personal comments about their observations to the media. Observers are strictly forbidden from speaking to the media regarding the substance of their observations and findings. According to ODIHR guidelines, only the head of mission or responsible ODIHR officials may make substantive comments to the media. In the event that any observers were to discuss the substance of their findings with the media or offer comments on the election, their respective sending states would be notified, and their observer accreditations could be withdrawn immediately.

If, however, an observer is the subject of an unsolicited media enquiry, in an interview it should be made clear that only some general background information about the observer’s role can be provided and that OSCE observers are not in a position to discuss any substantive issues or individual findings. Observers should also refrain from comparing the election publicly to any other elections they may have observed in the same country or elsewhere. General comments to the media may include:

- › That it would be inappropriate for an observer to comment on personal impressions or findings because each observer witnesses only a very small part of the overall national voting picture; the observer’s reports will be factored in with a great many others, so that the EOM can draw overall conclusions based on a large number of reports;
- › That all OSCE countries are committed to inviting observers, in recognition that observation improves transparency and has the potential to enhance public confidence in the election process;
- › Information on the total number of ODIHR STOs who are observing and the number of different countries from which they come (this information is supplied at the STO briefing);
- › An estimate of how many polling stations they expect to visit;

- › If applicable, the information that a press conference may be held after the elections to announce the EOM's preliminary conclusions and that all media representatives are welcome to attend.

If a media representative persists in requesting information or comments beyond those in the points listed above, they should be referred to the head of mission. An observer who gives any general comments to the media should make a record of who conducted the interview and the media outlet(s) represented.

6



OSCE/TATYANA BOGUSSEVICH

The Structure of an ODIHR Election Observation Mission

An ODIHR EOM includes a core team, LTOs and STOs, and is deployed under the overall direction of the ODIHR Director. More details on the specific members of the core team, as well as on LTOs and STOs, and their respective responsibilities are given below.

6.1 The Core Team

The EOM establishes its offices in the capital of the respective host country approximately six to eight weeks before election day. The EOM core team will be based here and may include some 10-15 international analysts, depending on the size of the mission and the specific circumstances of the election. The core team includes analytical and operational components.

The analytical component comprises the head of mission, who is normally assisted in his or her duties by a deputy. In very large missions, more than one deputy may be appointed, and there may also be a reporting officer. The other analysts include an election analyst, a political analyst, a legal analyst, a media analyst, a statistical analyst, an LTO co-ordinator and a parliamentary liaison officer, where relevant. Other analysts, for issues such as women's or national minority's participation in political life, on voter registration, new voting technologies or campaign financing, may also be assigned to the core team for all or part of the mission to strengthen the analysis of these particular issues in the election context when they are of particular interest.

The operational component comprises an operations expert, a procurement and contracting co-ordinator, a security expert and a finance officer.

The specific duties of core team personnel are set out below.

An ODIHR election adviser tasked with responsibility for a particular election serves as the regular liaison between the EOM and ODIHR and offer all support required from the headquarters in Warsaw.

6.1.1 The Analytical Component

The **head of mission** leads the EOM in its ongoing assessment of the extent to which all aspects of the election process are in line with OSCE commitments and other international standards for democratic elections, as well as with national legislation. The head of mission assumes responsibility for the day-to-day work of the EOM, in close co-operation with the ODIHR Election Department and is responsible for the overall management, including financial, of the EOM. The head of mission is appointed by the ODIHR Director, following the recruitment procedure.

The head of mission is responsible for overseeing the work of the mission, including:

- › the establishment and maintenance of contacts with state authorities, the election administration, the main political parties, candidates, civil society, other observer groups, the resident diplomatic community and international organizations;
- › the work of the core team, LTOs and STOs;
- › relations with the media, including preparation of EOM public statements (in co-ordination with the ODIHR spokesperson);
- › the drafting of interim reports outlining the main pre-election issues and developments;
- › briefing and working closely with parliamentary delegations (when applicable);
- › the development of a statement of preliminary findings and conclusions and a press release, in conjunction with leaders of other partner delegations (when applicable); and
- › the preparation of a final report to be issued approximately eight weeks after the completion of an electoral process.

Upon arrival in the host country, ODIHR issues a press statement announcing the opening of the EOM. In most cases, the head of mission holds a press conference to introduce the mission and its work. The press conference provides an opportunity to explain the mission's purpose and ODIHR's election observation methodology, as well as to express the mission's willingness to meet with all interested parties to receive information about the electoral process.

The **deputy head of mission** generally serves as a chief of staff, ensuring effective overall co-ordination of the EOM, assisting the head of mission in his or her operational and administrative duties, and representing the head of mission, as necessary. Among other duties, the deputy head of mission:

- › oversees all aspects of LTO and STO operations, including the preparation of briefing sessions and materials, the finalization of observer forms, a balanced and representative deployment plan, and various debriefings; and

- › co-ordinates the drafting of interim reports, the preliminary statement and the final report. This is done in conjunction with the head of mission and the ODIHR Election Department. In larger EOMs, a reporting officer may be assigned to focus on drafting reports and co-ordinating the preparations for STOs, with the deputy head of mission focusing on the management of the mission. In smaller EOMs, the deputy head may also serve concurrently in one of the analyst/expert positions set out below.

The **election analyst**:

- › assesses the performance of the host country's election administration in the context of national legislation, OSCE commitments and other international standards;
- › is the EOM's principal point of contact with the election administration and attends all meetings of the national electoral authorities;
- › assesses the election administration's effectiveness, independence from executive authorities, transparency and impartiality;
- › monitors various stages of the election process for conformity with legal regulations and administrative procedures, including the final aggregation of results;
- › is responsible for the initial development of the forms to be filled out by observers, based on a standard template; and
- › works closely with the legal analyst on election-related complaints and appeals and with the voter-registration analyst (if applicable).

The **legal analyst**:

- › reviews the election legislation and regulations, and other legislation pertaining to elections;
- › assesses the extent to which the legislation and its implementation comply with OSCE commitments and other international standards, and whether national laws are applied fairly and impartially; and
- › follows all election-related disputes, complaints, court cases and appeals. This permits an assessment of the extent to which effective, timely remedy is available for complainants and of the impartiality and effectiveness of the judiciary in dealing with election-related cases.

The **political analyst**:

- › serves as the EOM's principal liaison with candidates and political parties;
- › monitors and assesses the election campaign in line with OSCE commitments and other international standards, as well as with national legislation;
- › establishes contacts with political parties and civil society organizations relevant to the political process;
- › will generally be responsible for analysis of campaign-finance issues;
- › in many cases, may be tasked with specific issues of concern, such as women's participation, minority issues, and civil and political rights issues; and

- › may also be tasked to be the main point of contact with domestic election observers and international observer groups.

The media analyst:

- › co-ordinates a team responsible for preparing a qualitative and quantitative analysis of the activities and content of the electronic and print media during the election process;
- › assesses the extent to which parties and candidates have unimpeded access to the media and are not discriminated against in gaining this access, in accordance with OSCE commitments and other international standards;
- › monitors whether the media, and state or public media in particular, meet their responsibilities to provide balanced and neutral coverage of the electoral process;
- › considers the media environment and the extent to which media are able to work freely;
- › ultimately must assess whether the media provide sufficient, balanced and diverse information to enable voters to make a well-informed choice;
- › analyzes relevant media legislation, the regulatory framework for the media during elections, the work of regulatory bodies and any media-related election complaints. In this task, the media analyst is assisted by the legal analyst; and
- › may also be tasked to prepare a daily news summary for the EOM.

The gender analyst:

- › assesses the participation of women in the electoral process, as candidates, voters and election administrators, in line with OSCE commitments and other international standards, as well as with national legislation;³⁴
- › provides briefings on gender issues and guidance to other core team members to ensure a gender perspective in all aspects of the EOM's analysis; and
- › works together with the LTO co-ordinator to ensure that LTOs are prepared to effectively observe the participation of women in the regions.

The national minorities analyst:

- › assesses the participation of national minorities in the election process, as candidates, voters and election administrators, in line with OSCE commitments and other international standards, as well as national legislation;
- › may be assigned to EOMs in countries where there are significant national-minority or ethnic communities and issues related to their participation in elections and political life;
- › provides briefings on national-minority issues and provides guidance to other core team members to ensure that the EOM's overall analysis includes issues related to national-minority participation; and
- › works together with the LTO co-ordinator to ensure LTOs are prepared to effectively observe the participation of national minorities in particular regions of the country.

³⁴ The OSCE Gender Action Plan, adopted in Sofia (2004), tasked the ODHR to "... continue, as a part of its Election Observation Mission, to monitor and report on women's participation in electoral processes. When possible, additionally, the ODHR will commission and publish reports specifically analyzing the situation of women in electoral processes."

ODIHR liaises closely with the OSCE Office of the High Commissioner on National Minorities, whose staff members on occasions join ODIHR EOMs as national minorities analysts. Field co-operation is governed by an exchange of letters between the OSCE High Commissioner and the ODIHR Director in 2008.

The electronic-voting analyst:

- › assesses the use of electronic-voting systems in line with OSCE commitments, other international standards and national legislation;
- › reviews the use of electronic-voting systems in terms of transparency, secrecy of voting, security, design and public confidence;
- › In making an assessment, considers legislation, system documentation and reports on the system;
- › meets with public bodies or private companies responsible for developing and operating the system; certification, testing and audit bodies; political parties; and civil society groups or academics familiar with the system; and
- › identifies priority issues related to the electronic-voting process that should be followed by the mission and briefs other core-team members, LTOs and STOs to ensure that these issues are effectively observed in the preparations for elections and on election day.

The voter registration analyst:

- › assesses voter registration in line with OSCE commitments, other international standards and national legislation and reviews the accuracy, inclusiveness and transparency of the voter-registration process, as well as the confidence of election stakeholders in this process;
- › works closely with the election analyst and meets with the election administration, relevant authorities involved in the voter-registration process, such as the Interior Ministry, the police and regional administrations;
- › looks at technical issues related to the voter-registration process;
- › in co-ordination with the LTO co-ordinator, tasks LTOs to focus on specific issues in the regions; and
- › must have sufficient technical expertise to understand the relevant computer databases and the procedures for compiling and updating the voter register.

The statistical analyst:

- › is responsible for preparing a statistical analysis of key election-day findings, based on forms completed by STOs that are designed to assess election-day procedures (opening, voting, counting and tabulation);
- › provides advice in the development of the forms for the election, receives and analyzes the forms on election day/night, and also oversees a team responsible for data input; and
- › analyses and makes preliminary data available early in the morning following election day in order to incorporate findings into the preliminary statement; and

- › The statistical analyst arrives in country several days before election day and departs after all STO forms have been processed and fully analyzed.

The **co-ordinator of long-term observers**, or LTO co-ordinator, is the principal point of contact within the core team for the LTOs. The LTO co-ordinator:

- › devises a draft deployment plan for LTOs, in co-ordination with the deputy head of mission, to ensure that election developments throughout the country are adequately covered;
- › organizes a briefing session for LTOs when they arrive in the host country and subsequent debriefings during the course of the mission;
- › provides information and instructions to LTOs;
- › ensures that they are fulfilling their responsibilities and receiving the mission support they require;
- › maintains regular contact with them, and receives and analyzes their reports;
- › advises on the appropriate distribution of STOs to regions of the country to achieve a balanced and representative deployment plan; and
- › plays a principal role in organizing and scheduling election-day and election-night reporting by LTOs and STOs to ensure that full and timely reports are available for the preliminary statement.

The **parliamentary liaison officer**:

- › serves as an EOM's principal liaison with parliamentary delegations who are partners in observing election-day proceedings. These may include delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament or, occasionally, other international parliamentary bodies, such as the NATO Parliamentary Assembly;
- › depending on the particular circumstances, may be responsible for arranging briefing sessions, logistical support, deployment plans, interpreters, drivers and other arrangements for parliamentarians;
- › maintains close contact with the administrative staff of the respective parliamentary bodies; and
- › normally arrives in-country two to three weeks before an election and remains until the parliamentarians have departed.

6.1.2 The Operational Component

The operations expert, the procurement and contracting co-ordinator, the security expert and the finance officer arrive in country approximately two weeks before the arrival of the rest of the core team and remain in-country for about two weeks after their departure. This is to ensure a smooth opening and closing of the mission in line with OSCE rules and regulations.

The **operations expert**:

- › is tasked with ensuring the day-to-day functioning of the EOM and is responsible for all issues related its operation in line with the OSCE Common Regulatory Management System;
- › identifies the operational needs of the EOM in terms of the goods and services that the mission requires, identifying suitable office space, equipment and communications solutions, and sometimes also identifies options for accommodation;
- › facilitates the recruitment of national support staff;
- › as election day approaches, implements the STO deployment plan (in consultation with the LTO co-ordinator and deputy head of mission) and ensures that arrangements have been made for interpreters, drivers and accommodation for STOs; and
- › closely co-ordinates his or her activities with the procurement and contracting co-ordinator and the finance officer. Together, they form the EOM logistics team.

The **procurement and contracting co-ordinator** is usually an ODIHR staff member, who:

- › is responsible for procuring goods and services for EOMs, in accordance with the OSCE Common Regulatory Management System, in close co-ordination with the operations expert and finance officer; and
- › conducts market research, identifies potential suppliers, evaluates offers, recommends suppliers, and negotiates contracts for all goods and services necessary for the establishment and functioning of the EOM, including adequate office space, accommodation, equipment, travel, etc.

The **finance officer** is usually an ODIHR staff member, who:

- › develops and manages the detailed EOM budget in accordance with OSCE financial regulations and procedures and uses the OSCE-wide Oracle system;
- › administers EOM finances and expenditures, including payments for office space and equipment, local support staff salaries, per diems and other expenses, and ensures that these are made in line with the established budget; and
- › draws up or supervises all contracts for local support staff and keeps the head of mission informed about current expenditures, ensuring that the EOM remains within the budget.

The **security expert**:

- › ensures the safety and security of all EOM members through the implementation of a security plan, as the security of OSCE personnel, including election observers, is an issue of great significance during all ODIHR election observation activities;
- › typically maintains regular contacts with the relevant host-country authorities, notably those from law enforcement agencies;
- › provides regular security briefings for the members of the EOM, including long and STOs;
- › prepares contingency plans for possible emergency situations, including medical evacuation; and

- › liaises closely with the ODIHR security officer and security officers of OSCE field operations, where applicable.

6.2 Long-Term Observers

Long-term observers are responsible for observing the various stages of the election process in the regions, providing the mission with a comprehensive understanding of what is occurring throughout the country.³⁵ The presence of LTOs allows a thorough observation of the pre-election period and the immediate post-election period, enabling ODIHR to report on the election process in its entirety also based on findings from the regions. LTOs also play an important role in preparing for and supporting their election-day activities.

In assembling LTOs for an election mission, ODIHR requests from all OSCE participating States the secondment of individuals with relevant election-administration and/or comparative-observation experience. LTOs must be capable of maintaining effective/impartial relationships over an extended period of time with municipal and regional officials, election officials, political party and candidate representatives, and relevant NGOs. They must be able to contribute an independent analysis of the pre-election environment for inclusion in overall ODIHR reporting. The seconding participating State is responsible for recruiting experienced and qualified LTOs and incurs most of the expenses for deploying and supporting them. LTOs are not, however, representatives of their seconding country; they are the eyes and ears as well as the public face of the EOM in the field.

LTOs usually arrive in country approximately one week after an EOM has been established, and remain for at least one week after election day. An LTO is usually teamed up with an LTO with different citizenship, and these teams of two are deployed throughout the country according to a deployment plan that enables balanced geographical coverage. LTOs are expected to work at the local, district or provincial levels, remaining in their regions during the entire election process, unless otherwise instructed. They are normally required to attend periodic EOM debriefings at the central level.

Before deployment to their areas of observation, LTOs receive a comprehensive briefing by the core team, which includes:

- › An overview of ODIHR;
- › A review of ODIHR's election observation methodology and the role of LTOs within an EOM;
- › A review of the Observer Code of Conduct;
- › An analysis of the election system, election law and regulations, and of the structure of the election administration;
- › A political overview;
- › A description of any key issues to observe and any specific tasks to fulfil;
- › An overview of gender and minority issues;
- › A review of security issues;
- › Logistical, financial and deployment information; and

³⁵ For more complete guidance on the role of LTOs, see the *ODIHR Handbook for Long-Term Observers* (2007), available at <http://www.osce.org/publications/odihr/2007/04/24088_829_en.pdf>.

- › Instruction on reporting, preparation for the arrival of STOs and other tasks.

LTOs also receive a briefing pack with additional information and background documents about the election and their area of observation.

The EOM Logistics Team assists LTOs in hiring interpreters and drivers, arranging transportation to their areas of observation, and identifying initial accommodation, as well as providing each LTO team with basic equipment, such as a laptop computer and a mobile telephone. LTOs are normally expected to work from their place of accommodation, since EOM budgets do not include funds for LTO office space.

Each LTO team undertakes observation and reporting activities in the regions, just as the core team undertakes these activities at the national level. Each LTO team divides its time between monitoring the substantive issues surrounding an election and making logistical and deployment preparations for the STOs who will be deployed to their area and work under their immediate supervision.

The substantive role of the LTO is to observe and assess the effectiveness and impartiality of the election administration, the implementation of the election law and regulations, the nature of the campaign and the political environment. For this purpose, LTOs establish and maintain contacts with regional and local election administrations and government authorities, political parties and candidates, leaders of minority groups and civil society organizations relevant to the elections. These include human rights groups, domestic election-observer groups, women's organizations and media representatives. In co-ordination with the EOM media analyst, LTOs may be asked to follow coverage of an election in the regional media.

LTOs are normally required to submit weekly reports to the LTO co-ordinator. These reports should summarize the main findings from the LTOs' observation of the process during the preceding week, and should also indicate the various meetings held. Particularly important or urgent information should be reported separately in spot reports. LTO findings are consolidated into the EOM's overall reporting.

LTOs are also required to provide substantive briefings for STOs on aspects of the election process specific to their respective area of observation. These briefings highlight the main aspects of the electoral process and the key political issues in their region, and also indicate any pertinent logistical and security information.

The role of LTOs in providing logistical support for STOs is crucial to the effective functioning of an EOM. All LTO teams must assist in determining the optimal number of STOs that will be required for election-day observation in their regions; actual numbers are determined in consultation with the core team, based on the total number of STOs available. LTOs must draw up local deployment plans for STOs to ensure adequate and balanced coverage of polling stations in their regions. They must also locate appropriate accommodation, interpreters, cars and drivers for the STO teams assigned to their immediate responsibility. LTOs may need to assist with special regional arrangements for parliamentary observers.

On election day and election night, LTOs must co-ordinate reporting by STOs and ensure that the core team is fully informed of trends and developments in the LTOs respective regions. LTOs submit regular reports to the core team throughout election day and night to ensure

that regional findings are reflected in the EOM's preliminary statement. LTOs are required to arrange a regional debriefing for STOs on the morning following the election, before STOs return to the capital.

6.3 Short-Term Observers

Short-term observers are responsible for observing election-day procedures in their assigned area and reporting their findings accurately and efficiently back to the mission headquarters. The deployment of a sufficient number of STOs allows ODIHR to achieve a statistically representative sample of polling stations throughout the country.

In assembling STOs for an EOM, ODIHR requests from all OSCE participating States the secondment of experienced and qualified observers. The seconding state is responsible for recruiting them and incurs all costs. Some participating States offer training for STOs, which helps to prepare them for their observation tasks. STOs are not official representatives of their seconding states. In most instances, an EOM includes a small number of STOs from the bilateral embassies of OSCE participating States to complement those coming from abroad. Their number should be strictly limited and remain within the ten per cent rule. In conformity with OSCE decisions, ODIHR makes special arrangements to integrate STOs from OSCE Partners for Co-operation into EOMs, if requested.

STOs remain in the host country for approximately one week. Their schedule is established by the EOM on the basis of local circumstances and is communicated to participating States. In most cases, STOs arrive four days before an election and are fully briefed by the core team on the day after arrival. The following day, the STOs are deployed to their regions. They normally then have one day to familiarize themselves with their assigned areas of observation before election day. STOs usually return to the capital one to two days after election day and participate in a debriefing. They leave the host country the following day.

Attendance at the pre-election briefing is mandatory for all STOs. Individuals who cannot arrive in time for the briefing will not be accepted as EOM members. Even experienced observers need to be briefed on issues and procedures specific to a particular election. The briefing covers a number of substantive and practical issues and generally includes:

- › The ODIHR election observation methodology;
- › The Observer Code of Conduct;
- › The legal framework and election administration;
- › The political context and the election campaign;
- › Media environment and media coverage;
- › Gender and minority issues;
- › Voting and counting procedures;
- › How to fill out and submit reporting forms;
- › How to respond to media enquiries;
- › Logistical, deployment and finance information; and
- › Security issues.

STOs are asked to pay particular attention to the procedures for reporting their findings on the observer forms. All STOs must have a clear understanding of the questions posed and

how to fill in the forms so that their observations are as objective as possible. A consistent approach to reporting is essential.

STOs are provided with accreditation and written briefing materials, including an STO briefing book designed specifically for each election, a translation of the national election law(s) and relevant regulations, general logistical information and emergency contact numbers, a map of the country or area of observation, the ODIHR *Election Observation Handbook*, and reporting forms. An electronic version of the STO briefing book is generally e-mailed to STOs before election day.

STOs are deployed to their areas of observation in multi-national teams of two, according to a plan that provides a broad and balanced presence throughout the country. Due to the complexity of deployment planning, it is not possible to consider STO requests to be deployed to particular locations or teamed with certain partners.

Once STOs arrive in their area of observation, they meet with the LTOs, who brief them about the specific political and electoral context of the region. The LTOs also discuss logistical arrangements and specific security issues, outline the procedures for reporting on election day, and introduce STOs to their drivers and interpreters. Depending on the deployment plan, it may be necessary for STO teams to be accommodated in a different location from the regional centre where the LTOs are based.

Following the regional briefing, and at least one day before election day, STOs familiarize themselves with their area of observation. They should visit polling stations and observe any preparations by election officials. They should also plan a possible route for election day and select a polling station where they will observe the opening procedures. STOs should not disclose their plans for election-day observation to anyone except the LTOs.

STOs begin work very early on election day by observing the opening of polling stations. In the course of the day, STOs observe the voting process. STOs are typically instructed to follow the transfer of the results from the polling station to the mid-level election commission and observe the tabulation of results there. In some cases, STOs may be required to remain at a single polling station throughout election day. Others may be assigned to observe tabulation at a mid-level election commission. Others yet may be required to perform other duties, such as observing military or prison voting or following a mobile ballot box.

Specific STO responsibilities and procedures for observing voting, counting and tabulation are outlined in Chapters 8 and 9 of this handbook.

6.4 National Support Staff

A key component of every EOM is its national staff. In general, each member of the core team will have at least one national assistant. Some units — especially media and logistics — often require several national staff members. National staff serve as interpreters and administrative support staff for international personnel. National staff may include people with expertise in particular fields of interest to the observation mission. Each LTO team and STO team will also be assisted by a national interpreter and driver.

While national staff play an essential support role for EOM, they cannot be accredited as ODIHR observers. These restrictions are necessary in order to ensure objective and impartial analysis, to prevent potential conflicts of interest, and to maintain a clear separation between international and domestic election observation.

On occasion, national staff have access to sensitive information and should follow internal EOM guidelines for confidentiality of information and data security. Although they are not observers, national staff are representatives of the EOM and must act in accordance with the OSCE Code of Conduct, including the Observer Code of Conduct, at all times.

7



Observing the Pre-Election Period

The core team and LTOs observe the long-term election process, including the pre-election period, and assess it in line with OSCE commitments, other international standards and national legislation. In particular, observation in the pre-election period should assess the implementation of election legislation, the performance of the election administration, the registration of election contestants and voters, the conduct of the election campaign, the adjudication of election disputes and the role of the media. The mission's observation of pre-election processes is reflected in public interim reports, issued periodically prior to election day. The purpose of interim reports is to give an indication of the issues the EOM is considering, to underscore some of the positive elements and observed shortcomings, to serve as a tool for continuous dialogue with the authorities, to enhance the transparency of its work and to provide an opportunity for the authorities to address any critical issues in the run-up to election day.

The following sections highlight a number of key pre-election issues and areas of inquiry within each of these fields.

7.1 The Legal Framework

a. Election-related legislation and its implementation

THE ELECTION LAW: Before an EOM is deployed to a particular country, ODIHR may arrange for a review and analysis of the respective election law(s), if such a review does not already exist. This allows for a comprehensive assessment of the extent to which the legal framework re-

flects OSCE commitments and other international standards. Such analysis is carried out in conformity with the ODIHR guidelines.³⁶ This analysis is usually carried out jointly with the Venice Commission. The members of the EOM, and in particular the legal analyst, will be thoroughly familiar with any such analysis. If there are clear shortcomings in the legislation, these should be noted and recommendations for relevant amendments should subsequently be included in the EOM's final report.

An EOM considers not only the content of the legislation but how it was drafted and adopted. Election legislation must enjoy broad support among election stakeholders in a given country. The legal framework should, therefore, be drafted in an open and inclusive manner in order to secure broad confidence among competing political parties and candidates, and voters. It is good practice that significant changes in the legal framework are not introduced shortly before an election, except under exceptional circumstances and when the amendments have broad political support. Otherwise, such changes could create confusion and lead to an unstable election environment. In principle, the rules of the game are not to be changed in the middle of the game. Election legislation enacted sufficiently in advance of elections allows election stakeholders adequate time to learn about the rules of the election processes.

OTHER LEGISLATION: The legislative framework for an election includes not only election law(s) but also a range of legislation on related matters. Depending on the circumstances, the legal analyst, and possibly other members of an EOM, may also need to review constitutional provisions and other legislation relevant to the election. This could include laws on national electoral authorities, political parties, civil society organizations, citizenship, public assemblies, voter registration, campaign finance, media, and elements of criminal and administrative legislation. Laws relating to human rights and non-discrimination may also be important to the electoral process, and a review of subsidiary regulations and decrees may also be necessary.

IMPLEMENTATION: The impartial, fair and consistent implementation of the legislative framework is critically important and deserves the careful attention of an EOM. There are usually different bodies responsible for implementation and enforcement: election commissions, prosecutors and other government bodies, central and local government authorities, media outlets, regulatory bodies, the courts and the police. An EOM observes the extent to which each of these bodies complies with its obligations under the law and in line with OSCE commitments and other international standards. Experience demonstrates that a key factor in any election is the authorities' political will to implement the process in an impartial, transparent and accountable manner. Even if legislation complies fully with electoral standards, this will be of little value unless it is implemented fully and fairly. Conversely, in the presence of commensurate political will on the side of the authorities, democratic elections could be conducted even if the legislative framework presents some shortcomings.

36 *Guidelines for Reviewing a Legal Framework for Elections* (Warsaw, OSCE/ODIHR, March 2001). An expanded version of the Guidelines will be published in 2010.

Possible problems to be aware of:

- Legislation that does not meet OSCE commitments and other international standards and that does not adequately ensure respect for fundamental human rights;
- Laws that do not enjoy the confidence of major election stakeholders;
- Legislation that is vague, subject to varying interpretations or lacking sufficient guarantees for the respect of civil and political rights;
- Inconsistencies between different pieces of election-related legislation;
- Failure to implement legislation in a non-partisan, consistent, fair and transparent manner;
- Subsidiary regulations that are contrary to the intent of the law.

b. Complaints and Appeals

Another important element of the legal framework is the complaints-and-appeals process, which must provide effective and timely remedy in the event of a violation of the law. Complaints concerning the election process must be dealt with equitably, transparently and in accordance with due process of law. Procedures and deadlines should be clearly set out in the election law. Timeframes must be sufficiently short to ensure a meaningful remedy but also long enough to allow complainants to prepare adequate cases.

The right to appeal to election bodies and courts should be established to enable a clear, understandable, singular and hierarchical complaint process that defines the roles of each level of election commission and each level of the courts. This will avoid the potential for a complainant to appeal to the body considered likely to offer the most favourable consideration of the complaint. It can ensure that all complaints are addressed in a consistent manner. If complainants are required to appeal first to election bodies, the law should always grant the right to appeal to a court of law at a higher instance, and this court should be able to examine the substance of the case. Observers should pay careful attention to the legal reasoning motivating decisions and to the independence and impartiality of courts. Responses to complaints should be provided in writing and in a timely manner. All hearings and rulings should be public.

The legal analyst should keep track of complaints registered during the campaign and how they were resolved. Although the number of complaints is not necessarily indicative of the quality of an election process, a listing of complaints and their resolution can serve as an indicator of issues that may require further EOM attention, including whether effective remedy was available.

Possible problems to be aware of:

- An unclear or ambiguous process for filing complaints;
- Lack of opportunity to appeal administrative decisions in a court of law;
- A judiciary that is not independent from the executive branch;
- Lack of due process in court proceedings;
- Lack of consideration of complaints, or postponement of rulings on complaints until after the elections;

⊖ Lack of consideration of the substance of a complaint on appeal;
⊖ Evidentiary rules that prevent complainants from having a fair opportunity to present facts in support of a complaint or appeal;
⊖ No provision of the legal reasoning or the factual basis motivating decisions;
⊖ Lack of timely and effective remedy; and
⊖ Failure to hold accountable those who violated laws.

7.2 The Election Administration

a. Composition of the Election Administration

Election commissions: A national election administration, such as a central election commission or equivalent body, is usually responsible for administering an election efficiently, transparently and impartially. Occasionally, the judiciary and executive bodies may play a role in organizing elections. Whichever body is constituted to administer a particular election, its work should be efficient, collegial, impartial, transparent and independent from the state authorities and other political influences. It should be guided by the fair implementation of laws with no regard for political considerations, especially in cases where election commissions are multipartite, and should enjoy the confidence of election stakeholders.

There are numerous acceptable ways of forming election commissions. Election-management bodies can be made up of party nominees representing different political interests. The balance of party representatives can serve as a check on potential misadministration or abuse of office, particularly if parties are represented at all levels of the election administration. This can also enhance the confidence in the work of the election commissions. If the members of election commissions are nominated by political parties, they should be prohibited from campaigning and should be able to act professionally, impartially and independently without fear of retribution or recall. The independence of an election commission can be enhanced if it is composed of suitably qualified and experienced individuals and nominated according to a balance of interests. The commission should be able to implement the election legislation and regulations without interference, intimidation or impediments to its duty. Regardless of how election commissions are composed, the legal framework must provide for the opportunity to have a decision or act of an election administration body reversed or corrected.

A central election-administration body may be permanent or a temporary body that exists during the election period only. If it is not a permanent body, its independence may be best guaranteed by fixed tenures for its members and the right of return to their previous employment. The importance of the staff of election administration bodies, especially in cases where there is a permanent body, should not be underestimated. The same requirements of professionalism, impartiality and independence should be applicable for the staff. The staff, which in most cases are civil servants, should be protected against arbitrary or politically motivated removal.

When all meetings of the election administration are open to accredited observers, transparency is greatly enhanced, thereby contributing to public confidence in the system. It is a good

practice for election-administration bodies to publish their decisions immediately upon delivery and provide regular and timely briefings for the media. Domestic observers should also be permitted to attend and follow the proceedings at election commission meetings. The ODIHR election analyst should attend all meetings of the central election administration, while LTOs should attend meetings of regional and local election administrations.

Election administrations enjoy the most public confidence when they are able to work on the basis of consensus or collegiality. All meetings should be announced in a timely manner, with all relevant documents equally conveyed to all members of the commission in sufficient time to be considered prior to the session.

OTHER BODIES INVOLVED IN ELECTION ADMINISTRATION: In addition to election commissions, various government ministries and regional and local officials may be required to carry out administrative and logistical operations in the preparation for and conduct of elections. They may be responsible for preparing voter registers and distributing voter lists, ballot papers, ballot boxes, polling booths, official stamps and other required materials, as well as determining the arrangements for storage, distribution and security. Local authorities are often required to provide the premises for polling stations.

Any bodies involved in electoral preparations should carry out their tasks transparently, efficiently and impartially, and should be accountable for their conduct. Observers should become acquainted with the roles of ministries and local authorities in organizing the election process and the extent to which they contribute to an effective administration of the elections.

Possible problems to be aware of:
➤ Commissions that do not enjoy broad confidence among election stakeholders;
➤ Commissions that are under political pressure or lack independence;
➤ Commissions that do not implement laws fairly and impartially;
➤ Commissions whose work lacks transparency;
➤ Commissions that tend to make decisions by voting along political lines;
➤ Inexperienced officials at polling stations;
➤ Ineffective, inadequate or lacking training;
➤ A lack of collegiality;
➤ A lack of consistent and adequate guidance to lower-level commissions from central electoral authorities;
➤ Last-minute changes in election commission membership or unfounded recalls of members, leading to an unstable commission membership; and
➤ Lack of effective co-ordination between election commissions and regional or local officials responsible for supporting elections.

b. Resources

MATERIAL RESOURCES: Whatever the particular characteristics of the respective national system for funding various election processes, the election administration should be provided, in a

transparent and timely manner, with funds from the state or local budget sufficient to meet its responsibilities.

Observers should establish whether the election administration has a realistic understanding of, and adequate means to meet, the resource requirements for an efficient election process. This includes funds for the financial compensation of the members of election commissions, for a sufficient number of suitable polling-station facilities, for polling-station equipment (ballot papers, secure and adequate ballot boxes, adequate polling booths, etc.), and for communications and computer capacity.

PERSONNEL RESOURCES: Adequate human resources and specialized knowledge are also required to implement an election effectively. Observers should ascertain whether a sufficient number of election officials have been appointed, whether clear guidance and instructions have been issued to election officials, and whether election officials are familiar with the tasks to be carried out on election day.

Observers should assess whether all election commission members at all levels, including members nominated by political parties, have received standardized training. LTOs should observe such training sessions for regional and local election officials whenever possible.

Possible problems to be aware of:
⊖ Lack of funding or late fund disbursement that can hinder preparations;
⊖ Inadequate voting equipment, such as polling booths that do not ensure the secrecy of the vote;
⊖ Polling stations in facilities that are too small or not accessible to disabled voters;
⊖ Inadequate training for polling-station officials;
⊖ Lack of clear, written instructions on polling procedures; and
⊖ Polling-station personnel being appointed too late to receive adequate training.

c. The Ballot

BALLOT DESIGN: The complexity of the ballot directly affects the efficiency of the voting process. Ballots should be designed as simply as possible so that they are easy for voters to understand and fill out. Unduly complex ballots can cause confusion among voters, slow the voting and counting procedures, and generate a greater number of invalid ballots. In multilingual societies, ballots should be available in the relevant languages. The order of candidates or parties on the ballot should be determined by lot or in some other equitable manner.

BALLOT SECURITY: Ballots and other sensitive election materials should be properly supervised and secured at all times. To assess these processes, observers should look into where and how the ballots were printed, where and how they were stored and distributed, and how long before the elections. It is good practice to grant interested parties the right to observe the printing, distribution and storage of ballots to bolster confidence in the process. In some countries, the “protocol of results” form or other materials may be as sensitive as ballots, and should also be subject to security measures. A system of receipts helps ensure accountability during the transport, handover and storage of ballots and other election materials.

As an additional security measure and safeguard against fraud, a number of countries use voting procedures that require that ballots be placed in special envelopes before being placed in the ballot box. In such systems, envelopes, rather than the ballot papers themselves, are sensitive materials.

A number of other safeguards may also be built into voting systems to help protect the security and secrecy of ballots, such as:

- › Affixing an official stamp specific to the polling station on ballots when they are given to voters;
- › Having one or more polling-station official(s) sign the back of the blank ballot before it is issued to the voter;
- › Using numbered ballot stubs to monitor the number of ballots in a ballot box;
- › Using a stamp, rather than a pen, to mark ballots;
- › Using heavy paper for ballots so that marks cannot be seen through the back of the ballot paper; and
- › Printing ballots with watermarks or other devices to make them harder to counterfeit.

Possible problems to be aware of:

- Lack of or inadequate safeguards surrounding sensitive materials, including ballots or envelopes;
- Lack of accountability at any stage of the ballot production or distribution process;
- Ballots circulating outside of polling stations on or before election day;
- Polling-station procedures that may compromise the secrecy of the ballot; and
- Ballots not translated in relevant languages.

d. Voter Information and Education

Sufficient voter information and education is needed to ensure that participants in the electoral process are fully informed of their rights and responsibilities as voters. These efforts can also generate knowledge and interest about the election process and build a climate for open debate. Observers should assess the extent and effectiveness of voter information and education.

Voters are to be informed of when, how and where to register to vote or to check that they are already properly registered. It should also explain when, how and where to vote on election day. It is essential that this information is provided in a timely manner, allowing voters sufficient opportunity to benefit from it.

Voter-education efforts address voters' motivation and preparedness to participate fully in elections and focus on relatively more-complex types of information about voting and the electoral process, including the choices available to the voter and the significance of these choices within the respective political system.

Information should be freely available to all voters throughout the country. While political parties and civic organizations may contribute to voter-education efforts, it is ultimately the responsibility of the authorities, including the election administration, to ensure that voters

receive objective, impartial, unambiguous and timely information. Publicly funded or state media also have a special responsibility to ensure that voters receive sufficient, balanced information on candidates, parties and issues in order to enable them to make well-informed choices.

Voter-education efforts may reasonably be directed at particular segments of the population with a traditionally low voter turnout; in some countries, these might include minority groups, women or youth. It is good practice to provide voter education in major minority languages in addition to the language of the majority.

Possible problems to be aware of:
➡ Lack of or inadequate voter information and education;
➡ Information about the election process being received too late;
➡ Information that could be biased, e.g., showing a ballot paper marked for a certain contestant;
➡ Certain groups not receiving or understanding information;
➡ Changes in election procedures may be inadequately publicized;
➡ First time voters unaware of registration or voting procedures; and
➡ Minority language speakers, citizens outside of the country, refugees or displaced persons unaware of the required procedures.

7.3 Registration of Candidates and Political Parties

The right to stand for office is a fundamental civil and political right enshrined in the 1990 OSCE Copenhagen Document and is an essential element of democratic elections. This right relates to the universality of suffrage and the fundamental right to freedom of association. The election administration is usually responsible for registering candidates for an election. All electoral contestants should be able to nominate and field or stand as candidates freely and on equal terms. Any arbitrary or discriminatory practices for the purpose of disqualifying or undermining certain candidates or political forces contravene OSCE commitments.

Freedom of association is the central right that governs the functioning of political parties. However, given political parties' unique and vital role in the electoral process, the state also has an obligation to regulate them to the degree necessary to ensure effective, representative and fair governance. Any limitations to the rights to freedom of association, expression and assembly must be prescribed by law and necessary in a democratic society. The regulation of political parties must be undertaken by bodies that enjoy guaranteed impartiality both in legislation and in practice. Political parties should have recourse to be heard by an independent tribunal for all decisions affecting their fundamental rights of association, expression and assembly.

There should be no restrictions on the registration of candidates or parties for reasons such as "race", gender, religion, political or other opinions, national or social origin, association with a minority or ethnic group, property, birth or other personal status. However, good practices include special mechanisms designed to ensure more equitable representation of women or minority groups.

There are certain reasonable restrictions that may be applied to individuals wishing to stand for office. For example, it may be reasonable to exclude any person currently serving a prison sentence for having committed a serious crime. However, loss of the right to run for office should be provided for by law, be decided by a court of law, and be proportional to the crime committed. This fundamental right should be automatically reinstated once the sentence has been served. Another example pertains to residency; it is reasonable to require a person to have been a resident of a particular country for a reasonable period of time before running for office. Other restrictions may pertain to citizenship, to a demonstration of minimum support among voters, or to a reasonable minimum-age requirement. Any language requirements should not present an unreasonable limitation on candidacies and should be clearly provided for by law. Language tests should be transparent, objective, non-discriminatory and administered fairly. Civil servants, military and security personnel, and judges may reasonably be restricted from running for office unless they resign from their positions, so as to avoid conflicts of interest. Unreasonable requirements may include excessive deposits, mandatory regional support or party representation, or an excessive number of support signatures, each of which could discourage legitimate candidacies.

Provisions regarding candidate and party registration must be applied equally. Registration requirements for candidates and parties should be predictable and clearly defined in law.

Citizens should not be required to be members of political parties in order to stand for office and there should be provision for independent candidates, in accordance with Paragraph 7.5 of the 1990 Copenhagen Document.

With regard to the principle of proportionality, parties or candidates should not be disqualified from standing for election other than for the most serious reasons given the fundamental nature of the right to stand. They should be given an opportunity to correct any technical deficiencies on their applications for registration and should not be disqualified or refused registration solely on technical grounds. The right of judicial appeal must exist for the refusal of registration of a party or candidate, and appeals must be heard within a reasonable time-frame prior to the election.

Since the registration of candidates and political parties is a key part of any election process and has a direct impact on the competitive and pluralistic nature and quality of the process, it should be monitored closely by an EOM. If an EOM does not arrive in-country until after all or part of the candidate-registration process is complete, it should nevertheless try to assess the fairness and effectiveness of the process through discussions with officials, party representatives and candidates, including any individuals who have been denied registration.

Possible problems to be aware of:

- Lack of provision for independent candidates;
- Unreasonable restrictions placed on the right to stand for office or on the right to associate;
- Unlawful banning, suspension or de-registration of parties or candidates;
- Restrictive or discriminatory policies with regard to the formation or operation of political parties;

➤ Selective and unfair implementation of the law with respect to the registration of political parties or candidates;
➤ Excessive deposits, mandatory regional representation or excessive numbers of signatures required to qualify for registration;
➤ Excessive or unfairly tested language requirements;
➤ Disqualification of candidates for previous violations of the administrative code or administrative regulations;
➤ Disqualification of candidates or parties due to technical problems with their applications;
➤ Absence of the opportunity for candidates to rectify mistakes or correct omissions in their applications;
➤ Undue delays or administrative obstacles in the registration of political parties;
➤ Lack of political pluralism; and
➤ Lack of a genuine choice offering alternative political views to voters.

7.4 Voter Registration

GENERAL CRITERIA FOR REGISTRATION: The right to vote is a fundamental human right that can be subject to age, residency and citizenship requirements, or to deprivation by a court of law for having committed a serious crime or for lacking the necessary mental capacity. Voter registration is intended to ensure that all citizens can exercise this right within a system that also facilitates the administration of elections and guards against multiple voting.³⁷ Establishing and maintaining accurate voter registers at the national level, or voter lists at the regional or local level, can be one of the most difficult and, sometimes, the most controversial elements of an election process.

The authorities in a country have to make fundamental decisions with regard to whether voters vote in their place of permanent residence, or whether they will be allowed to vote at their place of temporary residence or anywhere in the country. If either of the latter two approaches is adopted, then a system of checks needs to be put in place to prevent the possibility of double entries and, ultimately, the possibility of double voting.

An accurate voter-registration process can be best assured by a permanent, well-maintained and regularly updated central, nationwide voter register. One comprehensive, computerized register can assist the authorities in checking the registration of individual citizens and avoiding duplications, thereby enhancing the integrity of the voter register. Some countries, however, may not have the capacity to generate a computerized nationwide voter register, and will have a decentralized system of voter registration instead. In federal systems, regional and local authorities may be responsible for voter registers at the regional or local level.

There should be clear legal requirements governing qualification and disqualification with respect to citizenship, age and residence, the timelines for registration for specific elections, the method of registration and the format of the voter register. The law should also clearly set forth the accepted means of identification (evidence of eligibility) and the complaints

³⁷ See ODIHR *Guidelines for Observing Voter Registration* (forthcoming).

and appeals procedures when a voter is not on the voter register. It is common that the legal framework for voter registration also regulates the temporary absence of voters from their place of residence, and provides for the publication of a draft register, for voters' rights to inspect their registration, and for the publication of a final register.

An efficient voter-registration system requires the population to be active in reporting changes of residence and other relevant aspects of their civil status. Registration procedures and facilities should be as simple as possible, free-of-charge, and should be readily accessible to voters. The voter lists (as extracted from the national voter register, where applicable) should be made public well in advance of the election to allow complaints about and remedy of incorrect inclusions, exclusions or other inaccuracies. Voter lists either should not include or should carefully protect personal data beyond that required to identify a voter and establish eligibility.

SYSTEMS OF VOTER REGISTRATION: Countries have adopted a variety of means for registering voters. Active, or affirmative, registration systems require individuals to apply to be registered as voters. In passive systems the voter register is compiled automatically on the basis of residency or citizenship registers, or some other form of record. Either type of system is acceptable if it produces a comprehensive, transparent, inclusive and accurate voter register.

Some participating States permit registration on election day by means of a supplementary voter list for voters whose names have been omitted from the main voter list and who can prove their eligibility. While this broadens the possibility of voters to cast their ballots and enlarges the franchise, such systems can be open to abuse. Observers should thoroughly assess how this system is implemented and what safeguards are in place to avoid multiple voting.

In exceptional cases, there may be no formal registration at all, with voters being required to establish their identity and eligibility at the polling station on election day. In such cases, special arrangements should be considered to guard against multiple voting, such as the marking of voter identification documents or the application of indelible ink to voters' fingers.

ACCURACY OF THE VOTER REGISTER: The voter register requires constant updating to remain as accurate as possible. Emigration and internal migration or displacement can cause significant population shifts from one election to the next. Identifying and registering or re-registering large numbers of voters who have moved is a substantial technical undertaking, requiring the updating of voters' registration according to their new places of residence. Voter registers must also be continuously updated to take account of other civil events, such as changes in voters' names, their coming of voting age or their deaths.

Safeguards should exist to avoid multiple registration. Systems should be in place to ensure that deceased persons are removed from the register and that those who have reached voting age are added. In cases where a person's name might change upon marriage or divorce, it is important to ensure that the voter register is updated accordingly so that individuals do not lose their right to vote. Ideally, there should be provisions for citizens abroad to register and to vote. If voters receive special voter cards to identify themselves at polling stations on election day, there must be adequate security to avoid duplication of the cards.

INCLUSIVENESS OF THE VOTER REGISTER: Observers should carefully assess the inclusiveness of the voter-registration process. In particular, they should ensure that no unreasonable restrictions are placed on voter registration. Unreasonable restrictions include those based on “race”, sex, religion, ethnic origin, (past) political affiliations, language, literacy, ownership of property or ability to pay a registration fee.

Possible problems to be aware of:
➤ An insufficient or incomplete legal framework for voter registration;
➤ A system of voter registration that does not ensure accurate voter registration;
➤ Registers and/or lists that are not open to public inspection or are not easily accessible;
➤ Lack of clear rules for correcting mistakes or omissions;
➤ Lack of a clear complaints and appeals process with regards to voter registration;
➤ Discriminatory practices resulting in the exclusion of certain groups of citizens from the voter register;
➤ Non-registration of internally displaced persons;
➤ Registration processes, especially in systems of active voter registration, that exclude certain categories of citizens or that are not accessible for certain categories of citizens, such as women or national minorities;
➤ Lack of voter information on registration;
➤ Widespread inaccuracies and or duplicates in the register and/or voter lists;
➤ Voter lists containing unnecessary data; and
➤ Voting rights not being restored after the convicted person has served a prison sentence.

7.5 The Election Campaign

a. The Political Campaign

FREEDOM TO CAMPAIGN: OSCE commitments require that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence, nor intimidation bars parties and candidates from freely presenting their views and qualifications. Fundamental freedoms, such as the rights to freedom of expression, peaceful assembly, association and movement must be respected at all times. There should be no arbitrary or unreasonable restrictions on campaign activities, meetings or rallies. Those wishing to assemble should enjoy this right equally and should only be required to notify the authorities. The government is responsible for ensuring that respect for these rights is subject only to reasonable restrictions.

It is particularly important that campaigning should be free from violence, pressure or intimidation. There should be no disruption of campaign meetings. Citizens should not fear retribution, such as loss of employment, for their campaign activities. They should not be prevented from familiarizing themselves with and discussing the political platforms of election contestants. All persons should be free from coercion by the authorities; special attention in this regard may be focused on such groups as students, soldiers, public-sector employees or local leaders.

While the authorities are responsible for providing a safe and secure environment for campaign activities, security concerns should not be misused as a reason to abridge fundamental freedoms. Throughout the campaign and voting processes, security forces have a duty to refrain from intimidation and to prevent intimidation by others. Intimidation by members of the security forces can have a particularly negative effect on voters and candidates.

There must be timely and effective judicial remedies available in case candidate or party rights are violated during a campaign, or in the event that unreasonable restrictions are imposed on campaigning activities. Observers should particularly take note of instances of speech that advocate violence or encourage racial, ethnic and religious hatred during a campaign. They should assess how these instances are dealt with by the authorities. Like at any other time, speech that incites violence or hatred should never be acceptable during an election campaign.

THE POLITICAL CONTEXT: While the primary focus of observers is on the election process, this necessitates a basic knowledge of the political context and issues surrounding a particular election. Observers should, therefore, meet with candidates and parties, observe rallies, and review campaign materials in order to gain an understanding of the political processes and issues dominating the campaign. Observers should assess the extent to which the population — including minority groups and women — are active in the political process and seek to understand any causes of a lack of active involvement or interest. In addition to political parties and candidates, other good sources of information on a campaign can be NGOs, domestic observer groups, academic specialists and media representatives.

Possible problems to be aware of:
➤ Forms of campaign violence;
➤ Detentions of candidates or activists;
➤ Disruption of, or restrictions on, campaign meetings or rallies, including refusals to grant authorization;
➤ Reports of intimidation, pressure or harassment;
➤ Exclusion of women or minority groups from the political process;
➤ Systematic efforts to remove or deface campaign posters; and
➤ Placing of unattributed campaign materials.

b. Campaign Resources

Campaign financing: Campaign financing should be governed by clear legislation or regulations. The legal framework should apply equally to all candidates and parties. It is a good practice to require both pre- and post-election disclosure of campaign spending, as well as disclosure of campaign income to promote transparency and accountability. Where the government provides funds for campaigning, this should be done on a fair and equitable basis.

Any limits on fund-raising and campaign spending should not be so stringent as to render candidates unable to pay for basic campaign costs such as salaries, transportation, office expenses, the purchase of campaign advertising space in the media, and the printing and distribution of campaign materials. However, reasonable limitations on campaign expendi-

ture may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure by or on behalf of any candidate or party. Reasonable restrictions may include prohibitions of funding from foreign sources, public and private corporations or anonymous sources. The law should establish an independent and specialized body to be in charge of monitoring campaign finance.

USE OF PUBLIC RESOURCES: It is the responsibility of the government, in order to provide a level playing field, to ensure that public and administrative resources, both material and human, are not abused in support of any particular candidates or parties. For example, government office space, vehicles and telecommunications equipment should not be used for partisan purposes unless access is specifically regulated, provided in the form of in-kind state subsidies, and based on fair criteria. If public buildings or other public facilities are available for use as campaign offices or campaign meetings, they should be available to all candidates or parties on the same basis.

The law should make clear the extent to which civil servants or other public employees may be involved in a campaign. At a minimum, public employees should strictly separate their roles as public servants from their involvement in any campaign activities. Public employees should not be required to attend campaign events, finance individual candidates or political parties, or be coerced to vote for a particular party or candidate.

TIME AS A RESOURCE: Time is also an important resource for a meaningful election campaign. All contestants should have an equal period of time in which to campaign. The duration of the campaign must be long enough to enable the contestants to effectively organize and convey their policies to the electorate.

Possible problems to be aware of:
⊖ Unclear or ambiguous rules on campaign financing or absence thereof;
⊖ Public campaign funds that are not received in a timely manner;
⊖ Fund-raising or spending limits that are too low to allow for effective campaigning;
⊖ Lack of transparency in campaign funding or spending;
⊖ Abuse of public resources or unfair distribution of public funds;
⊖ Lack of separation between state and party;
⊖ Biased enforcement of campaign-finance regulations.

7.6 The Media

a. Media Environment

MEDIA FREEDOM: Free and independent media are a vital element in a genuine and democratic election process. The authorities, including media owners, should ensure that the media have the right to gather and impart information freely, without undue interference, intimidation or obstruction of media outlets or journalists. Censorship should be prohibited and the editorial independence of media outlets should be respected.

ACCESS TO MEDIA: OSCE commitments call for unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process. At the same time, the media, taken as a whole, have a responsibility to provide sufficient and diverse information to enable voters to make a well-informed choice at the ballot box.

PLURALITY: A broad range of media outlets (broadcast and print) at the national and regional levels generally indicates the existence of a pluralistic media environment. Such diversity in the media market also provides for a range of political viewpoints and information to be available to voters during an election. At the same time, concentration of ownership of media outlets may diminish the plurality of viewpoints available to citizens.

The expansion of news sources and social media available on the Internet has significantly increased the amount of information available to citizens during election campaigns. These media can have a significant impact on an election process, and observers should assess any state regulations in this respect, as well as any interference in citizens' ability to communicate and access information freely via the Internet.

PUBLIC MEDIA: State-owned or public media, have a special responsibility to provide balanced and neutral information on elections and on candidates and parties in all election-related programmes, including news. All contesting points of view should be fairly and equitably communicated. It is good practice for the public media, at least, to provide free airtime or print space to the candidates or parties. While incumbents may receive media coverage related to their official duties, this should not be misused as a means to give them an unfair advantage, and campaign events should not be confused with issues of state.

PRIVATE MEDIA: Depending on national regulations and laws, private media do not necessarily have the same responsibility as public media for neutrality and balance. For example, a political-party newspaper may be expected to serve as a platform for a particular party, and it is not unreasonable for a private newspaper to endorse a candidate in its editorial policy. However, private electronic media are often subject to a higher degree of control by public authorities than print media, as they benefit from the allocation of limited public resources (airwaves and frequencies). It is important, therefore, that any regulatory framework for the media - either statutory regulation or self-regulation - ensures balanced coverage of electoral contestants by private broadcast media.

An EOM monitors both private and public media to assess their impact on the campaign and whether, through all sources, the electorate receives sufficient, balanced and impartial information to make an informed decision. Particular attention is given to newscasts and political talk shows broadcast in prime time.

b. Legal framework for the media

MEDIA-RELATED LEGISLATION: The conduct of the media during an election campaign may be part of media-specific legislation or be included in the election law. Media legislation may regulate media conduct in legitimate ways, such as limiting the release of opinion polls in the week before the election, imposing a campaign-silence period immediately prior to election day, or restricting the release of exit-poll data prior to the close of polls. Legislation may also

require public media to provide free airtime to all contestants or to treat all contestants in an equal manner, affording them equitable access and balanced coverage. Legislation may also ban paid political advertising during a campaign or, alternatively, to require that the same rates and conditions for advertising be offered to all contestants.

A balance may be sought in regulating the media sector during elections without being overly restrictive or burdensome, or impeding the role of the media in providing sufficient and diverse information to allow voters to make an informed choice. In an overly restrictive media environment, journalists may practice self-censorship to avoid harassment or sanctions by the authorities, thus limiting the information and diversity of views available to the electorate.

MEDIA-REGULATION BODIES: Regulations on the media are usually monitored and implemented by media-regulation bodies, which may remain the same for an election period or be set up specifically for an election. In some countries, the election administration may be responsible for the oversight of media conduct. Media-regulation bodies should have a balanced composition and act in an impartial, independent and transparent manner. Such bodies should have the means available to enforce the regulations through a range of reasonable and proportionate sanctions.

Media-regulation bodies may also accept complaints about media behaviour during elections, while, in other cases, these complaints are made to the same bodies as other election-related complaints. Any media-related election complaints should be treated expeditiously, with a timely remedy available.

c. Media monitoring

ODIHR employs a specific methodology for assessing media coverage of an election campaign, based on both quantitative and qualitative analysis.³⁸ The media analyst leads a team that monitors the major broadcast and print media and measures the amount of time and space devoted to each contestant. The team also assesses whether each segment of coverage presents the contestant in a positive, negative or neutral manner. The analysis of these data gives an indication of the access afforded to candidates and parties by each media outlet, as well as the tone of the coverage.

The media analyst also considers additional qualitative aspects of media coverage in their analysis. For instance, the media analyst notes whether any election events have been omitted from coverage, if certain contestants are more likely to be shown during prime time, if the sound or image quality is distorted for certain contestants, and any other indications of media bias. The media analyst also assesses the compliance of media outlets with regulations on issues such as free airtime and campaign-silence periods.

An EOM also assesses whether the media laws permit freedom of the media during the campaign, how well this freedom is upheld, whether the media-regulation bodies are fulfilling their responsibilities, and whether complaints are handled in a fair and efficient manner and any consequent sanctions implemented.

38 See ODIHR *Handbook on Monitoring the Media during Election Observation Missions* (forthcoming).

Possible problems to be aware of:

- Unequal treatment of parties or candidates by public media;
- Lack of sufficient, balanced and objective information on candidates, parties and the campaign for voters to make an informed choice;
- Closure of electronic or print media outlets;
- Intimidation, harassment, or detention of journalists;
- Media self-censorship;
- Interference with distribution networks for print media;
- Discriminatory practices for paid advertising;
- Free airtime broadcast at times of low viewership;
- Defamation of candidates or distortion of candidate messages by the media; and
- Ineffective media-regulation bodies that do not take appropriate remedial action.

7.7 Women's Participation in Elections

All OSCE participating States recognize equality between women and men as a fundamental aspect of a democratic society. They are committed to promoting equal opportunities for the full participation of women in all aspects of political and public life. An election process cannot meet OSCE commitments or other international standards unless it includes the opportunity for full and equal participation by women.³⁹

ODIHR integrates a gender perspective into all its election observation activities and takes into account how election processes affect both women and men. Gender issues affect all aspects of an election. Therefore, any ODIHR election-related activity considers how political, legal and social structures affect women as well as men in the electoral process. Analysts will look at women's participation in an election as voters, candidates and elected representatives; the role of women in leadership positions in the government, state institutions and the election administration; and how the legal framework and media structures affect women, especially as candidates.

Possible problems to be aware of:

- Lack of representation of women in state institutions and election administration;
- Legal provisions that disenfranchise or disadvantage women;
- Discrimination against women in the legal system;
- Effect of the election system on the participation and candidacy of women in the election;
- Where affirmative action or quota provisions exist, their effect on the participation of women;
- Under-representation of women on the voter register in comparison with the proportion of women in the population at large;

³⁹ For more information on the integration of gender issues in ODIHR's election-related work and on observation of women's participation in elections, see the ODIHR *Handbook for Monitoring Women's Participation in Elections* (Warsaw OSCE/ODIHR, 2004), available at: <http://www.osce.org/odihr/item_11_13585.html>.

➤ Obstacles, shortcomings or cultural traditions affecting the voter-registration process that are disadvantageous to women;
➤ Determination of candidates for party lists that is disadvantageous to women candidates;
➤ Placement of women candidates on party lists in positions that are unlikely to win parliamentary seats;
➤ Obstacles to campaigning by women candidates;
➤ Discriminatory or unequal treatment of women candidates by the media;
➤ Reproduction of negative stereotypes about women by public and political figures or institutions, including candidates and media;
➤ Family voting; and
➤ Visibly low participation of women as voters on election day.

7.8 Participation of Persons Belonging to National Minorities in Elections

ODIHR has integrated the assessment of national-minority participation into its overall election observation methodology, recognizing the importance of this issue for democratic elections.⁴⁰ Each EOM should collect a certain amount of quantitative data on national-minority participation to be included in mission reports, which can serve as a useful basis for measuring positive and negative trends, particularly regarding representation of national minorities as candidates, election administrators and voters.

Observers should assess whether voter education and information are available to national-minority voters and candidates. They should carefully monitor the campaign and investigate any possible problematic issues regarding national-minority representation. They should also determine whether national-minority candidates and parties have been given the same opportunities to participate in an election and to campaign. The possible impact of the election system on the participation of national-minority groups should also be considered. Such an assessment should evaluate the formula for translating votes cast into seats and consider how the details of the system impact the seat allocation for minority candidates and parties. It should also analyze the possible impact of delimitation of electoral boundaries on the representation of national minorities in the newly elected body.

Possible problems to be aware of:
➤ An electoral system that disadvantage national minority groups;
➤ Discriminatory electoral-district boundaries;
➤ Difficulties registering candidates who belong to a national minority;
➤ Obstacles to the registration of voters belonging to a national minority;
➤ Obstacles to the ability to campaign freely;
➤ Use of hate speech in the campaign;
➤ Lack of access to media for national-minority candidates;

40 For more information, see the ODIHR Guidelines to Assist National Minority Participation in the Electoral Process at <http://www.osce.org/odihr/item_11_13589.html>. An expanded ODIHR handbook on observing the participation of national minorities in elections is forthcoming.

- Inadequate voter education;
- Lack of representation of national minorities in election commissions;
- Lack of national-minority candidates on political party lists; and
- Non-availability of voter education and election materials in languages of national minorities.

7.9 Electronic Voting

Some OSCE participating States have introduced new technologies to automate voting and counting processes. A variety of electronic technologies are in use, including direct recording electronic (DRE) equipment, ballot-scanning devices, the Internet and mobile telephone networks.

New election technologies using electronic equipment offer potential advantages, including their ability to increase voter participation, to enable voting in remote locations (such as for overseas voters), to facilitate counting, to speed up the release of final results and to improve access for voters with disabilities or who speak minority languages. However, such technologies also pose challenges to the transparency and accountability of an election process, to the secrecy of the vote and may influence perceptions about the security of the vote and have a negative impact on voter confidence. It is important, therefore, to assess the introduction of electronic voting in a participating State and the impact on the ability to observe the voting process compared with traditional methods of voting.

Electronic technologies must function in a manner compatible with the principles enshrined in OSCE commitments and other international standards for democratic elections, and offer the same guarantees for transparency, accountability and public confidence as traditional voting methods.⁴¹ In countries where electronic voting has been introduced, the following measures have proven essential to ensuring respect for these principles and to enhancing public confidence in new election technologies:

- i. Transparent procedures for the certification of electronic-voting equipment and reporting of results;
- ii. Permission for competent individuals, academic institutions or civil society groups to comprehensively and independently test automated voting equipment;
- iii. Regulations that ensure against possible conflicts of interests for the vendors of electronic-voting equipment;
- iv. Facilities that produce a voter-verified, permanent paper record, with a manual audit capacity, and clear regulations that specify when audits must be conducted;
- v. The ability to provide for mandatory, statistically sound manual recounts of paper ballots to detect possible irregularities; and

41 See ODHR *Handbook on Observing Electronic Election Technologies* (forthcoming).

- vi. Establishment of a clear division of responsibilities between vendors, certification agencies and election administrators to fully ensure accountability and effective response in the event of equipment failure.

ODIHR observers do not certify electronic-voting systems. However, they should have full access to the process of certification and independent domestic verification of electronic-voting equipment, including reports from certification bodies and auditors. The criteria electoral authorities use when choosing electronic-voting systems and the manner of their introduction, including the legislative framework, voter education and pilot testing, are also relevant issues for an EOM. Observers should also be allowed to observe the functioning of electronic-voting systems, including the tabulation of results by such systems.

The use of electronic-voting technologies in an uncontrolled environment, such as Internet voting, presents additional challenges with respect to the security and secrecy of the vote and the ability to observe it. While an EOM may be able to observe aspects of the process in such cases, it is unlikely to be able to observe the voting process itself in an effective manner and may be unable to reach conclusions about the integrity of the process.

Possible problems to be aware of:
⊖ Lack of an adequate legal framework;
⊖ Electronic-voting systems with no voter-verified paper audit trail or other manual-audit capacity;
⊖ Lack of access to the source code;
⊖ Lack of public confidence in the integrity of electronic-voting equipment;
⊖ Insufficient training of election officials;
⊖ Lack of voter information;
⊖ Lack of transparency in the certification process;
⊖ Lack of division of responsibility among vendors of equipment, certification agencies and election administration; and
⊖ Lack of clear guidance or regulations in cases of equipment failure.

8



OSCE/ODIHR/GUNNARSÐÓTTIR

Observing Election Day

The observation of election-day activities is a shared responsibility among the core team, LTOs and STOs, including parliamentary observers. Among these, however, STOs are the mission's primary resource for observing and assessing election-day procedures at polling stations and at intermediate levels of the election administration. STOs are deployed around the country on election day to observe voting and the counting and tabulation of results.

Experiences of election-day observation can vary significantly from case to case, depending on such factors as the area of deployment and the set of circumstances confronted by each observer team in the polling stations visited. Some observers might encounter significant problems, others might find no problems at all. The ODIHR election observation methodology, which provides for a contribution by each observer team, is designed to achieve an overall picture of election-day proceedings. At each polling station visited the STO team fills in a form, which provides detailed information on the opening, voting or counting process. This information provides the EOM with an overall profile of polling-station activity throughout the country, from which it can draw conclusions based on a collective experience.

The ODIHR methodology for election-day observation is, therefore, both qualitative and quantitative. Completing the forms in polling stations provides a basis for a country-wide statistical analysis of the implementation of key election-day procedures. While there are standard forms designed as checklists for procedures in polling stations, the forms may vary somewhat depending on country-specific procedures (see Annex B for a sample form). The forms ensure proper focus and reports on all important aspects of the election-day process

and that key tendencies are identified correctly. The EOM statistical analyst prepares a quantitative analysis of the results of observation.

In addition to filling out forms, STOs are asked to provide comments on noteworthy observations or impressions, both on specific comment forms and in oral debriefings. They are asked to prepare separate written reports on particular incidents or observations. Careful commentary from STOs can be particularly important in establishing whether specific election-day violations took place and in discerning trends within the country or in particular regions. It is extremely important for STOs to be specific and precise, and indicate on their forms and in their reports whether irregularities reported were witnessed by themselves or related to them by others, such as political party representatives, polling-station officials or domestic observers.

Observers should exhibit the highest levels of personal discretion and professional behaviour at all times during the conduct of their observation duties. They should remember that they have been invited to observe the election proceedings of the host country and that, in this process, they are not representing themselves or their country of origin but, instead, an intergovernmental organization. As such, their conduct will reflect upon the OSCE. Observers should introduce themselves, wear their identification and present their accreditation upon request.

While observers should refrain from giving advice or instructions to election officials, they may draw problems or irregularities to these officials' attention and observe if and how they address them. Observers should record all irregularities and violations when they occur. The observer forms and debriefings will eventually disclose the extent and seriousness of such problems by indicating whether the observed shortcomings were isolated or systematic.

8.1 Deployment

The core team and LTOs prepare an STO deployment plan to ensure a broad geographic coverage on election day to avoid duplication of work by observer teams. In order for election observation to be effective, an element of unexpected visits to polling stations is necessary, so deployment plans are not made public prior to deployment.

The deployment plan should cover both urban and rural areas and should also ensure that some observers are designated to visit regional election commissions. In instances where voting is conducted in military barracks, prisons or hospitals, or by mobile ballot box, the deployment plan should also take into account these types of special voting procedures.

Observers should be deployed in teams of two. Diversity of experience within an observer team, which includes citizens of different OSCE participating States, helps ensure a broader and more balanced view of operations at each polling station. Each team should fill out only one form per polling station; this requires members of STO teams to come to a consensus about their observation and report findings and assessments jointly providing an extra check on the accuracy of the particular observer team's findings.

Depending on geographic conditions and circumstances encountered at polling stations, an STO observer team can visit approximately ten polling stations during the day. Each team

of STOs is assigned a limited area of observation, and the observers themselves determine which polling stations to visit in this area and the order in which they will visit them. They may not have time to visit all of these in the course of the day, however observers should stay between 30 and 60 minutes at each station they visit, and should remain longer if it helps them to better understand the ongoing dynamics. They may choose to return to the same station, particularly if they believe there are problems that merit close attention. In such cases, the team should fill in a separate form for each visit. Observers should keep in mind that election observation is not a race to visit the largest number of polling stations, and sometimes it can be more beneficial to visit fewer polling stations for longer periods of time.

It is important for STOs to abide by the deployment plan and by any instructions from the core team or their LTOs on when and how to submit their forms and to attend debriefings. Failure to stay within the assigned area of observation or visits to polling stations not on their list may result in duplication with other observers and disruption of the balance built into the country-wide deployment plan. Failure to report according to the stipulated timetable may result in forms being received too late to be taken into account when the overall preliminary assessment of the election is prepared.

8.2 Polling-Station Activities

The basic aim of observing elections at the polling-station level is to assess whether voting, counting and tabulation of results is conducted in a correct and orderly manner and in accordance with domestic electoral regulations, OSCE commitments and other international standards. Observers should be aware that some mistakes made by election officials may be due to inexperience or lack of training rather than to any deliberate intention to compromise the integrity of the process. Observers should seek to identify patterns rather than recording single incidents. On the other hand, wilful and systematic irregularities do have the potential to distort the process, and the sum total of STO reports will readily reveal such systematic irregularities.

In the event of irregularities, observers should observe how and whether election officials address these and include this information in their reporting. In the event of serious irregularities, such as ballot-box stuffing or tampering with results protocols at any level of election administration, observers should bring them promptly to the attention of the LTOs responsible for their area of deployment.

In the event of violence or serious threats of violence, STOs should leave the area immediately. They should not risk putting themselves, their interpreter or their driver in danger. Such incidents should also be reported immediately to their LTOs, who will, in turn, report to the EOM headquarters.

Customarily, observers should arrive to observe opening procedures at their first polling station at least one hour before it opens for voters. Important points to observe at the opening are whether the station opens on schedule, whether the polling-station commission is familiar with procedures, and whether voting in the station commences efficiently and according to regulations. It is important to note whether ballot boxes are empty at the start of the process, whether they are properly sealed, and whether the polling station has received, and can

account for, blank ballots and all other necessary materials. Observers are also requested to provide an overall assessment of the conduct of the opening procedures. STOs are provided with a special report form to note their observations and comments on polling-station opening procedures.

a. Observations Outside and Upon Entering Polling Stations

STOs should observe the general conditions outside and around the polling station. A number of issues are relevant:

- › Is there any sign of campaign materials or campaign activity in, or in close proximity to, the polling station?
- › Are there crowds around the polling station? If voters are waiting outside for their turn to vote, are they doing so in an orderly manner? If the crowds are not voters, is there any indication of who they are?
- › Is there any evidence of intimidation or tension/unrest?
- › Are voters being offered any inducements to vote in a particular manner?
- › Are the police present and, if so, are they behaving in an appropriate manner?
- › Is access to the polling station difficult? Could a disabled person enter the station unassisted?

Observers should be aware of any unusual tension or unrest that appears to exist when they enter the polling station, whether the result of their presence or for other reasons. Those first few minutes may be crucial for an immediate and realistic impression of the situation in a polling station. However, more time may be required to assess the situation in more detail, and observers should spend as long as necessary to form an accurate impression. Observers should pay careful attention to what is going on around them, and should not become distracted by rushing to complete their form.

b. Questions for Polling-Station Officials

Once inside a polling station, STOs should first introduce themselves to the chairperson of the polling station as accredited observers, and then briefly explain the nature of their visit. If the official objects to their presence or their activities, they should calmly explain that they have been invited by the government and are officially accredited to observe. However, they should not argue with the official in charge and should abide by the official's instructions. If the instructions make it impossible for the STOs to fulfil their responsibilities, the circumstances should be noted in detail on a specific report form and reported as soon as possible to the responsible LTO.

Whenever possible, observers should speak with a number of different polling-station officials, particularly when they represent different political parties. There are a number of questions STOs may usefully pose to polling-station officials, many of which will appear on the observer forms. Other questions may not appear on the forms but will enable STOs to gain a clearer impression and understanding of election procedures. Possible questions for polling-station officials include:

- › How were polling-station officials selected? Do they represent political parties?

- › Are all appointed members present?
- › How are the duties of the polling-station commission divided to provide for efficient and secure processing of voters?
- › Did polling-station officials receive formal training?
- › When were the ballots and other voting materials received, and how were they secured prior to election day?
- › How many ballots were initially received by the polling station in question?
- › Are there sufficient ballots and other polling materials?
- › What is the total number of voters on the voter list at the polling station, and how many voters have actually voted at the time when the observers visit the polling station?
- › Are there supplementary voter lists for voters who are added to the voter list on election day? If so, how many names appear on the supplementary voter list? Is the number unusually high?
- › Have any voters been turned away because their name did not appear on the list for this polling station? If some voters did not have the appropriate identification, how was this problem addressed?
- › Did any disturbances, irregularities or complaints occur, and how were they addressed?
- › How are complaints addressed or resolved?

Observers should also try to assess whether polling-station officials appear to be well trained and familiar with voting procedures. They should assess whether officials appear to be free to talk about their duties. Most importantly, observers should be alert to whether officials appear to be performing their duties impartially.

c. Observation of Polling-Station Procedures

Beyond their conversations with polling-station officials, STOs should carefully observe all procedures at the polling station. They should be guided by the observation form provided to them, which will include the questions most relevant to a particular election. However, STOs should use their judgement to assess whether any other issues or procedures not mentioned on their forms are a cause for concern, and they should note these on a special report form. Issues and procedures to observe include:

- › Was the ballot box empty at the start of voting?
- › Are the ballot boxes properly sealed?
- › Is the layout of the polling station adequate for voting? For ensuring the secrecy of the vote?
- › Are the facilities suitable for disabled persons to use independently?
- › Are voters who need assistance provided with the appropriate help?
- › Are ballot boxes located in full view of election officials and observers?
- › Are all required voting procedures being properly and efficiently followed?
- › How are voters identified, and do they produce the correct documents?
- › How are voters processed, e.g., by crossing names off the voter list, by signing the list, or by stamping identity cards? Is indelible ink used?
- › Are voters being turned away because they are not on the voter list?
- › Do ballot papers bear an official stamp specific to the polling station and/or the signature of a polling-station official(s)?

- › Are there indications of disorganization, such as unusually long lines of people or excessive delays?
- › Are there any signs of campaign materials or campaign activity in the polling station?
- › Are there any attempts to solicit people to vote in a particular manner, or is any pressure being applied to voters? Is there any indication of intimidation?
- › Are there police, security forces personnel, or government or local officials in polling stations?
- › Are there other persons in the polling station with no apparent official function?
- › Are there any unauthorized persons interfering in the voting process?
- › Do voters appear to understand the process, or do large numbers of voters require assistance? Are the ballots simple and easy to use?
- › Are any voters attempting to vote on behalf of other voters (“proxy voting”)? If so, is any action being taken by polling officials?
- › If voters sign the voter list, are there any apparently identical signatures (the same handwriting, several similar signatures one after the other, etc)?
- › Are voters given more ballot papers than they are entitled to, or are there any other indications of multiple voting?
- › Is there any evidence or indication of ballot-box stuffing (bundles of ballots placed together in the ballot box or a number of ballots in the ballot box that is obviously greater than the number of signatures on the voter list)?
- › Are voters being allowed to enter the voting booth together (“group voting”)?
- › Are any voters voting outside the booth (“open voting”)?

d. Other contacts at polling stations

In addition to recording their own observations and discussions with polling-station officials, STOs should try to speak with domestic observers. These may include party-affiliated observers, candidate representatives and observers from civil society organizations. Domestic observers, both party and non-party, should be permitted in polling stations, in accordance with the principles set out in the 1990 OSCE Copenhagen Document.

STOs should note whether domestic observers are present at polling stations and whether they have been restricted or hindered in any way from carrying out their observation duties. Wherever possible, STOs should speak to a cross-section of people from each respective category of domestic observers. Their comments may offer additional information with regard to the voting environment at the polling station and the performance of election officials.

While international observers can greatly benefit from the insight of domestic observer networks, it is important to note that ODIHR EOMs remain entirely separate from any domestic observation effort. STOs should make clear in their conversations that they have no authority to remedy violations or irregularities, but only to report the issues to their headquarters. STOs should inform those who have witnessed violations or irregularities that it is their right to pursue complaints through official domestic procedures. STOs should not, however, provide assistance to voters or election contestants in lodging complaints.

STOs should also attempt to engage some voters in discussion in order to assess their understanding of, and confidence in, the process. However, STOs should never ask voters for whom

they voted. They should not question voters within the polling station or as people are approaching the polling station to vote, as this may be misconstrued. Possible questions to ask include:

- › When voting procedures appear to STOs to compromise the secrecy of the ballot, do the voters believe that their votes are secret?
- › Were voters well informed about their choices and familiar with the voting procedures?
- › If there were multiple ballots or new election procedures, did the voters find these confusing?
- › If a voter was turned away from a polling station, was it done for a valid reason?

In all their conversations, observers should remember that some people may try to manipulate information shared with STOs for their own purposes and interests. STOs should therefore use their judgement in making an assessment of the information received. When reporting, STOs should always distinguish between information based on their own observations and information reported to them by others. If STOs report information provided by others, they should attempt to explain the extent to which they consider the information to be accurate and on what basis.

e. Completing observer forms

Observers should take particular care when filling in observer forms. They should make sure that they systematically indicate the observer team and polling-station number. They should ensure that observer forms are accurate and complete, so that their observations are properly reflected in the EOM's overall assessment of the election-day process. Observers should follow the guidance given by the core team regarding how to fill in the forms, and both STOs should review the form to ensure agreement on its contents. Observers should provide further comments only when necessary or requested to do so and should make sure their comments are concise and legible.

Observers are generally requested at the bottom of the form to make an overall assessment of proceedings in the polling station, based on a four-point scale ("very good", "good", "bad", and "very bad"). This question is designed to provide an overall assessment of the conduct of election-day proceedings. This question is also used by the statistical analyst to check whether the assessment is consistent with how other parts of the form have been completed. If an STO team has observed ballot stuffing, for example, the statistical analyst can check this against the team's overall assessment.

8.3 Special Voting Procedures

In many countries, there are provisions for special voting procedures that are intended to facilitate voting or to make voting available to citizens who, for whatever reason, may not be able to visit the polls. Special voting procedures may include the use of mobile ballot boxes for the sick and elderly, voting in hospitals and prisons, early voting (i.e. voting prior to election day), voting by post, absentee voting, voting in embassies and special provisions for military voting.

Special voting has the advantage of extending the franchise to voters who might not otherwise be able to vote. However, special voting procedures may also be much more difficult to regulate securely without the appropriate safeguards and are therefore open to potential abuse. Ensuring the secrecy of the ballot can also be more problematic. Therefore, an assessment of the advantages of special voting provisions must be weighed against the ability to regulate them properly, securely and transparently, as well as their affect on degree of confidence in the overall election process.

STOs may be instructed to observe some forms of special voting as part of their duties. If so, they should try to assess the extent to which such voting is sufficiently regulated, secure and transparent.

VOTING BY MILITARY PERSONNEL: While military personnel should normally be able to vote with the civilian population in order to protect their right to a secret ballot, they may be required, in some circumstances, to vote in their barracks or on their bases. In such circumstances, if authorized, the military voting process should be observed by some STOs, as soldiers can be especially vulnerable to intimidation. For example, troops may be ordered to vote in front of their officers and, in some cases, officers may even instruct their troops on how to vote.

HOSPITALS, RETIREMENT HOMES AND PRISONS: When special polling facilities are established in hospitals, retirement homes or prisons and other places of detention, some observers should be assigned to visit these special polling stations. In a number of countries, persons convicted for serious crimes are disqualified from voting, but individuals in pre-trial detention retain the right to vote. Hospital patients, the elderly and prisoners also constitute a segment of the electorate that may be particularly vulnerable to intimidation.

MOBILE BALLOT BOXES: Many countries provide mobile boxes at the request of voters who are elderly, ill or otherwise unable to visit a polling station. The mobile boxes are usually taken on their rounds by at least two polling officials. Where applicable, the two officials should ideally represent different political interests. Applying all polling-station controls to mobile ballot boxes is not possible. Voters using mobile ballot boxes may also not have all the privacy afforded by a polling booth. Some STOs should seek to follow mobile ballot boxes on their rounds and to assess the process. They should check whether there is an unusually high number of names on the voter lists for mobile voting and whether citizens using mobile boxes were able to cast their ballot in secrecy.

EARLY VOTING AND POSTAL VOTING: In general, STOs will not always be able to monitor early voting or postal voting. Where these are permitted, however, it is useful for observers to ascertain how postal and early ballots have been secured prior to election day, to attend the opening and counting of these ballots, and to form a general impression of the process. In the case of early voting, it is also important for observers to ascertain how the daily records of voter turnout are accounted for in the polling-station results protocol and what security measures are in place to safeguard the integrity of ballot boxes.

ABSENTEE VOTING is a procedure that allows voters to vote at a location other than the polling station at which they are registered. Voters are usually issued an absentee voting certificate at the polling station where they are registered. This certificate enables them to vote at another polling station on election day. Absentee voting can considerably increase accessibility to the

voting process. However, additional safeguards should be in place to minimize the potential for abuse of absentee voting certificates and to prevent possible multiple absentee votes. Observers should ascertain what conditions, if any, a voter must satisfy to be eligible to vote as an absentee; where a voter may have an absentee vote (i.e. only within the electoral district in which the voter is registered or in a wider area); and how it is determined in the polling station if a voter is eligible for an absentee vote.

Possible problems to be aware of:
⊖ Violence or disturbances;
⊖ Intimidation of voters;
⊖ Confusion or disorganization at polling stations;
⊖ The presence of unauthorized persons at polling stations;
⊖ Interference in the process by unauthorized persons;
⊖ Inappropriate activities by police and/or security forces personnel, such as taking notes and reporting turnout figures or results by telephone;
⊖ Campaigning during an electoral-silence period;
⊖ Campaign materials in polling stations;
⊖ Delayed opening of polling stations;
⊖ Failure by polling officials to follow required procedures;
⊖ Voters inappropriately turned away;
⊖ Failure to check voters' identities;
⊖ Inappropriate booths, screens or light supply that fail to ensure the secrecy of the vote;
⊖ Inaccuracies in the voter lists;
⊖ Group (family) voting;
⊖ Proxy voting (unless specified by law);
⊖ Multiple voting;
⊖ Ballot-box stuffing;
⊖ Unsealed or inadequately sealed ballot boxes;
⊖ The presence of pre-marked ballots;
⊖ Unregulated use of mobile ballot boxes;
⊖ The absence of necessary voting materials;
⊖ Excessive delays in administering the voting;
⊖ Inappropriate activity by representatives of political parties or individual candidates; and
⊖ Interference with the work of election commissions or observers.

8.4 Activities of the Core Team

The core team must be well organized and efficient to support STOs and to receive and process their reports throughout election day and election night. A schedule is prepared to ensure that sufficient and appropriate staff are on duty all day and all night and that relevant

information is processed in time for the statement of preliminary findings and conclusions. This should take into account the following points:

- › The statistics unit must have sufficient staff and equipment on hand to process all STO forms in a timely manner (preliminary statistical reports should be prepared on a regular basis);
- › Members of the core team read all comments on STO forms and provide a summary of trends and highlights;
- › The LTO co-ordinator or another member of the core team designated to liaise with LTOs must remain on duty at all times throughout election day and election night. The LTO co-ordinator should prepare brief summary reports at regular intervals, outlining key trends and any problems reported by LTOs;
- › The media-monitoring team must be staffed at all times throughout election day and election night to ensure that the observation mission is aware of any major developments or trends reported by the media. The media-monitoring team should be prepared to report any findings at specific designated times;
- › The election analyst will need to spend as much of the night as appropriate in following the performance of the central election commission and should report any developments;
- › A mission telephone operator and receptionist have to be on duty at all times and have to be instructed on how to direct inquiries, information and complaints;
- › A record of all complaints reported to the EOM must be maintained by a duty officer from the opening of the polls at least until the issuance of the preliminary statement, and possibly for longer time;
- › A car, driver and interpreter must be available during election day and night to accompany core-team staff to investigate or deal with any urgent situations that may arise; and
- › The security expert and his/her team should maintain a round the clock security operations desk during the entire stay of STOs, including election night, in order to respond quickly and efficiently to any emergency situation that may arise.

9



Observing the Vote Count and Tabulation

The counting of votes is an important stage in the election process, and it should be closely followed and observed. As the voting draws to a close, all STOs are required to observe the counting process once it commences, unless they are specifically assigned to other duties, such as observation of the tabulation process. The vote count normally takes place at polling-station level,⁴² and STOs should select one of their assigned polling stations at which to observe the closing procedures, and then remain there for the entire vote count. In principle, the polling stations where the count will be observed should be selected randomly. STOs complete special forms that contain a number of specific questions about polling-station closing and counting procedures.

Observing the count provides an opportunity to assess whether ballots are counted honestly and accurately, thus reflecting the choices expressed by the voters. Experience demonstrates that electoral fraud is more likely to take place during the vote count or the tabulation of results than during the actual voting process. Therefore, STOs should be particularly vigilant during the vote count and tabulation of results.

⁴² In most countries, the vote count takes place in individual polling stations. When ballots are not counted in the polling station but, instead, are transported to a central counting location, this produces extra problems of visibility and verification. An observer team should accompany any ballot boxes as they are transported to the counting centre, and assess the procedures for ballot security and prevention of fraud during the period when ballots are being moved.

In general, there should be a detailed standard procedure for closing a polling station and counting the ballots. The counting process usually begins with the sealing of the ballot-box slot once voting has ended; it should remain sealed while polling officials complete forms accounting for all ballot papers and other polling materials. These materials should be sealed separately. Often, unused ballot papers are invalidated before the opening of the ballot box. The ballot box is then opened and the ballots counted according to the designated procedure. Polling officials verify that the number of ballots in the box matches the number of signatures on the voter list. STOs will receive specific information about the counting procedures during their pre-deployment briefing.

Should there be a mobile ballot box in the same polling station, the counting of the votes should begin only after the number of ballots in the mobile box and the number in the stationary box are determined separately. After this calculation has been made, the ballots from the mobile box should be mixed with the rest of the ballots that were cast, and only then should the vote count commence. These precautionary steps are necessary in order to maintain the secrecy of the votes in the mobile box.

The results of voting should be made publicly available at the polling-station level. It is good practice, for example, to post the results outside each polling station. The transparency and integrity of the process is enhanced when all party and candidate representatives are given official copies of the result sheets, or protocol, for the polling station. Domestic observers and international observers should also be able to receive a copy of the results in polling stations, and STOs should request a copy of the completed result protocol. If provided, the official protocol or copy of the results should be forwarded promptly to the core team, together with the completed observer form for the count. If it is not possible to obtain an official protocol of polling-station results, STOs should, nevertheless, carefully note the full results of the polling station at which they observed the count. STOs should never sign protocols, even if the law allows observers to do so.

9.1 Issues for the Vote Count

STOs should observe how the following procedures are implemented. Questions concerning these issues are likely to appear on the forms STOs are required to complete.

- › Is the count performed by polling-station officials or are other non-authorized persons involved?
- › Do election officials appear to understand and adhere to the required procedures?
- › Are ballots counted in an orderly and secure manner?
- › Is the count conducted in a transparent environment, with adequate arrangements for domestic observers? Are observers able to clearly see all aspects of the counting, including marks on ballots?
- › Does the number of registered voters recorded as having voted correspond with the number of ballots cast?
- › Are unused ballots secured, cancelled or destroyed after being counted?
- › Does the counting adhere to the principle that the ballot is deemed valid if the will of the voter is clear?

- › Are ballots invalidated in a reasonable and consistent manner? Are invalid ballots appropriately segregated and preserved for review?
- › Does the number of invalid ballots seem inordinately high?
- › Do the ballots contain any unusual markings intended to violate the secrecy of the vote?
- › Are ballots for each party or candidate separated correctly and counted individually?
- › Did polling-station officials agree on the vote-counting procedures and results? If not, what action was taken to resolve the disagreement?
- › If there were any disputes or complaints, were they resolved in a satisfactory manner?
- › Are official counting records correctly completed at the end of the count and signed by all authorized persons?
- › Are political party/candidate representatives and other domestic observers able to obtain official copies of the protocol for the polling station?
- › Are the results posted publicly at the polling station?
- › Are there inappropriate activities by police and/or security forces personnel, such as taking notes and reporting figures or results by telephone?

Possible problems to be aware of:

- Ballot-box stuffing;
- Adding marked ballots after the opening of the box;
- Attempts to invalidate ballot papers;
- Disorderly counting procedures;
- Discrepancies in the reconciliation figures, such as a higher number of ballot papers found in the ballot box than the number of signatures on the voter list;
- Multiple and identical signatures on the voter list;
- The involvement of unauthorized persons, such as local-government officials, uniformed or plain-clothes security personnel or other unidentified individuals, in the count;
- Inadequate numbers of counting staff and supervisors;
- Exclusion of polling-station officials or observers;
- Power outages that hamper or prevent counting;
- Observers kept at too great a distance to see marked ballots and how they are sorted;
- Arbitrary or inconsistent invalidation of ballots cast;
- Dishonest counting or reporting of the ballots;
- Insecure storage of unused ballots;
- Polling-station results protocol not completed in the polling station;
- Polling-station results protocol filled in by pencil instead of pen;
- Failure to post official results at the polling station; and
- Refusal to supply official copies of results to candidate representatives or observers.

9.2 Tabulation

Ultimately, it is necessary to assess whether the results reported by the polling stations are tabulated honestly and accurately. After the ballots are counted, the results of the polling-station count are usually transmitted to a higher-level election commission, where the regional results are tabulated, and then transmitted to the election commission at the national or regional level. The tabulation process is another important step in the election process that should be observed. STOs are often asked to accompany the official results and other polling materials as they are transported from the polling station to the tabulation centre, and then to observe that the results from their polling station are properly included in the tabulation. STOs should assess whether the transport of ballots and other voting materials is direct, secure and transparent (i.e., are STOs and other observers allowed to accompany the results during transport?).

In some cases, special teams of STOs may be assigned to observe procedures at tabulation centres. The goal is for observers to monitor each level of the tabulation process and to be able to follow the results of individual polling stations up to the national level, as a spot check that the tabulation process has been properly administered. The EOM may organize its work in shifts or deploy special teams to ensure that this goal is met. If STOs are assigned to special teams to observe the tabulation of results, they will be given specific instructions on how to conduct the observation.

Electoral authorities often use computer networks to transmit preliminary results. The EOM should become familiar with the technical procedures to be followed and assess whether the tabulation process is fully transparent and allows for verification by observers. In addition, in such cases, observers should monitor the process and, if possible, receive a copy of a printout of results, signed and stamped by the relevant authority as the information is sent.

The tabulation of results should be verifiable and transparent at all levels of the election administration. In the interest of transparency and to promote confidence in the electoral process, results for each level of the tabulation should be made publicly available immediately, at each stage of the process. It is also good practice to make detailed results from each individual polling station publicly available on the Internet, thus allowing electoral contestants and observers to verify that the results included in protocols they collected at polling stations have been reported honestly and accurately.

Possible problems to be aware of:

- Insecure transport of polling materials to the tabulation centre;
- Unreasonable delays in transferring results to the tabulation centre;
- Transfer of results via local government offices before arriving at the tabulation centre;
- Inadequate premises, leading to overcrowding and chaotic tabulation process;
- Lack of access to the room where results are transferred electronically;
- Falsifying or switching result protocols; and
- Lack of transparency or irregular procedures at tabulation centres.

10



Reporting, Debriefing and Statements

10.1 STO Reporting

STOs report throughout election day and election night by completing forms at each polling station they have observed. The forms should be returned at designated drop-off points during election day or faxed back to the EOM headquarters, depending on the specific instructions provided by the core team and LTOs. It is important for STOs to adhere to their assigned schedule in order to ensure that their reports can be processed in time for their assessments to be included in the observation mission's statement of preliminary findings and conclusions.

In addition to forms, STOs should report immediately to their LTOs any significant problems or major irregularities that occur on election day, such as incidents of violence, ballot-box stuffing or other election fraud, or refusal to admit observers to polling stations. LTOs will convey this information immediately to the core team. Such incidents should also be documented in writing using a form specifically designed for this purpose.

10.2 STO Debriefing

STOs are required to participate in a debriefing. Debriefings are normally organized on a regional basis by each LTO team. Because of the short time available to assemble information for the statement of preliminary findings and conclusions, the debriefings are likely to be held very early in the morning following election day. Although STOs will have been following the

counting and tabulation process very late into the night, the debriefing is an important opportunity for all observers to share and compare their findings on the election process. These findings will contribute to the observation mission's conclusion on how the elections were conducted in relation to OSCE commitments and other international standards, as well as national legislation. The debriefings are closed to the press and to the general public. In addition to the regional debriefings, the core team usually convenes a national debriefing for all observers once they have returned from their deployment areas. Because of time constraints, this debriefing generally occurs following the presentation of the preliminary statement at the press conference. However, all information shared at the debriefing session is drawn upon for the final report.

During the debriefing, STOs are asked to complete an evaluation form of their experience in the EOM. This information is used to help ODIHR improve the functioning of future EOMs. STOs generally depart the host country on the following day.

10.3 Quantitative and Qualitative Analysis of STO Observation Forms

The basis for the EOM assessment of the conduct of voting, counting and tabulation of results is the quantitative and qualitative analysis of STO election-day observation forms. Throughout election day and night, the statistics unit, led and supervised by the statistical analyst, enters data into a database from the thousands of observation forms filled out by STOs in polling stations around the country.⁴³ These data are used to produce a full analysis of the election-day process at both the national and regional levels. Based on this information, the statistics analyst produces an overview early on the morning following election day. At the same time, the qualitative comments provided by observers are analyzed by the core team in order to identify any additional information on the election-day process, including on significant violations. The reliability of the election-day findings depends on careful, complete and accurate reporting by the STO teams, as well as on timely transfer of the reports to the statistics unit.

In order to consolidate the data in a reliable and useful format, the statistics analyst designs a data-entry program, based on Excel or Access. The data will then be analyzed using an off-the-shelf program for advanced statistical analysis, such as SPSS (Statistical Package for the Social Sciences). These tools allow the statistics analyst to cross-check the data for errors, such as observers that may have misunderstood a question, as well as to establish relations between characteristics; to verify whether irregularities are isolated or represent a regional or national trend; and to cross-reference answers to find relations between variables. Comparing responses to various questions may identify links between certain types of irregular practices or isolate irregularities to a particular type of polling station. Regression and (co) variance analysis are also used to link certain irregularities to the observers' overall assessment of the conduct in the polling station, identifying which problems were so severe as to warrant a rating of "bad" or "very bad".

⁴³ ODIHR is currently piloting the use of optical-recognition technology in the processing of the forms. This would allow for forms to be processed more quickly on election night and, hopefully, would reduce costs and STO time in the long-term. The first pilot was conducted in May 2010 in the context of the 2010 EOM to Georgia.

In most ODIHR EOMs, observers provide an adequate number of forms on the voting process to provide reliable figures on the problems and irregularities observed. As observers are deployed randomly across the country, the observers' findings can be considered representative for the country. This allows the EOM to speak authoritatively about the conduct of voting nationwide in statistical terms.

The number of reports on opening, vote count and tabulation is more limited than for voting, as observers monitor this process in only one polling station and fill out only one form per team for these parts of the election process. Consequently, statistical data that can be produced regarding these aspects of elections are also more limited. As a result, the figures based on such observation forms provide an overall indication of trends in the whole country, and also identify any specific cases of violations. Additionally, these observation forms offer important qualitative information about the conduct of procedures and any specific violations. For this reason, the analysis relies more on qualitative information than quantitative.

While statistics may be used to highlight mission findings in the EOM preliminary findings and conclusions, they are usually used as a means of identifying trends. In the final report, statistics can be used to illustrate observation findings on specific aspects of the voting, counting and tabulation processes. Core team members drafting reports consult closely with the statistics analyst to ensure that statistics are used appropriately.

10.4 The Statement of Preliminary Findings and Conclusions

The EOM usually releases its statement of preliminary findings and conclusions at a press conference held in the afternoon following election day. The statement is based on the work of the whole EOM, including both the long- and short-term observation components; this reflects the reality that elections are a long-term process, not a one-day event. Where applicable, the preliminary statement is prepared jointly with parliamentary observers and is released at a joint press conference (see section 13 on Partnerships).

The preliminary statement is a summary of key findings and conclusions on the legal framework, election administration, campaign, the media, the participation of women and minorities, domestic observation and election-dispute resolution, as well as the election-day voting, counting and tabulation processes. The statement provides a preliminary assessment of the degree to which OSCE commitments and other international standards for democratic elections were upheld and how well domestic election laws and regulations were implemented. While the preliminary statement should include evidence necessary to support the conclusions, it should not be too long or detailed, as it should be accessible to a broad audience.

The statement is called *preliminary* because it is issued before the entire election process has been completed. In some cases, the vote count and tabulation may not be complete when the preliminary statement is issued. In almost all cases, the statement is issued before the election results are final and official, as well as before election-day and post-election-day complaints and appeals have been resolved. For this reason, it is clearly stated in the preliminary statement that the EOM continues to monitor the ongoing process.

Recommendations are normally reserved for the ODIHR final report. However, in cases where there will be a second round of voting or other special circumstances, issuing recommendations in the preliminary statement may help improve the quality of the remaining stages of the process.

11



Post-Election Observation

As noted earlier, ODIHR has a mandate to observe before, during and after election day, in recognition that elections are part of a larger election cycle. Depending on particular circumstances, most election procedures may be virtually over by the day following election day, or there may be any number of outstanding issues still to be resolved. Therefore, a decision on how to observe post-election developments will depend to a large degree on the specific situation and conditions. As post-election developments can be critical to the integrity of the entire election process, EOM members must remain focused and vigilant through this final stage of observation.

LTOs typically remain in-country until one week following election day, while core team members typically remain in-country for two weeks after election day. During this period, both LTOs and core team members should conduct careful observation of the post-election processes. However, if there are significant elements of the process still to be completed following scheduled departure, or if there are unresolved issues of controversy, then the EOM should make arrangements for at least some members of the core team and/or LTOs to remain in-country for extended post-election observation. The tasks of any such extended post-election team must be very clear.

Any analysis concerning the final stages of the election process should be included in the EOM's final report. However, should there be a need to provide more immediate information on the post-election process, the EOM may issue post-election interim reports.

Many countries also have two-stage election processes, under which a second round of voting may be held one or two weeks after the first round (and possibly later) if no candidate receives the legally required number of votes. In such cases, an EOM should establish contingency plans well in advance for whether and how it will observe a possible second round.

11.1 Announcement of Results

ODIHR EOMs do not validate, invalidate or certify the results of an election. Since an ODIHR EOM is non-partisan, it never comments on the political ramifications of an election result. The EOM is interested in the election results only to the degree that they are reported accurately, honestly and in a timely manner.

An EOM's preliminary statement is virtually always issued before the final official results of the election are known or, in some instances, even before the preliminary results are known. Nevertheless, the announcement of final results is clearly an important part of any election process and, to the extent possible, it should be observed by the EOM. However, if the announcement of final results is not expected until well after the election, then it may not be possible for the EOM to remain in country. Arrangements then have to be made to follow this process remotely.

Possible problems to be aware of:

- Unreasonable delays in the announcement of results;
- Unbalanced or insufficient supervision of the tabulation of final results;
- Denial of observer access to this process;
- Denial of access for other authorized persons;
- Failure to publish detailed results down to district and polling-station level; and
- Discrepancies between election-day records of results and the final results at any level of the election administration.

11.2 The Post-Election-Day Complaints and Appeals Process

Complaints and appeals are an important component of an election process and may arise in relation to any aspect of the process. Typically, the legal framework indicates a deadline after election day for election-related complaints to be filed. Particularly sensitive are complaints regarding election results. In some countries, it is possible for the responsible judicial or administrative bodies to require repeat elections in polling stations or districts where results have been challenged successfully and the results could impact the outcome. Recounts at certain polling stations or districts may also be ordered.

If important complaints or appeals remain unresolved by an EOM's scheduled departure date from the country, the mission should consider whether it is useful or possible for the legal analyst or some other observers to remain in-country to follow court cases or other complaint proceedings related to the elections. The EOM should make a judgement on the importance of the cases under appeal, whether the appeals process has proved to be effective and reliable to date, and whether the presence of observers might have a beneficial effect on the implementation of the process. For example, if a pending recount might affect the overall

outcome of the election, or if a significant case is before the constitutional court, the EOM should try to arrange to have observers stay and monitor these processes.

Possible problems to be aware of:
➤ Complex or vague procedures may make it unclear to which body complainants should appeal;
➤ Judicial or administrative bodies that refuse to accept complaints or do not adjudicate them in a timely manner;
➤ Extremely short deadlines that make complaints difficult to file or to adjudicate;
➤ Complaints that are ruled inadmissible or dismissed on technical grounds;
➤ The prolonging of the process of reaching a decision to the point that it denies complainants access to effective remedies;
➤ Refusals by election commissions to perform recounts;
➤ Court proceedings that do not provide all guarantees of due process; and
➤ Court decisions that are not enforced.

11.3 Post-election Environment

The immediate post-election period can be a particularly sensitive time for political parties and candidates, as well as for the public, as the results of the election and their implications become clear. The mission should also attempt to verify any reported incidents of election-related human rights violations, such as post-election harassment, intimidation or violence, as well as any arrests or detentions. In the event that political parties or other stakeholders organize protests or demonstrations in the days following elections, the EOM should make arrangements to monitor these events, making sure to issue instructions for ensuring the security of its personnel and safeguarding the impartiality of the mission.

11.4 Implementation of Election Results

The final element of an election process is the installation in office of the person(s) elected. OSCE commitments require that candidates who obtain the necessary number of votes be duly installed in office and be permitted to remain in office until their term expires. In most countries, however, there is a certain lapse of time between election day and the installation of newly elected officials. This makes it impractical for the EOM to remain in-country until the entire election process has been completed. Nevertheless, ODIHR continues to follow this final stage of the election process. If any problems arise in this regard, they are reflected in the final report on the election.

Possible problems to be aware of:
➤ The disqualification of winning candidates;
➤ Irregularities or confusion in selecting which persons on party lists will be awarded seats;
➤ The replacement of winning candidates by political parties before or after they take office; and
➤ The potential for early termination of the mandates of elected officials.

12



OSCE/AGNIESZKA REMBOWSKA

Closing Down the Mission

There are a number of logistical and substantive steps that must be taken to close down an ODIHR EOM. During their last week in-country, during which they observe the remaining elements of the post-election process, LTOs should also schedule farewell meetings with regional officials and other key local stakeholders, to thank them for their co-operation and also to discuss any reactions to the preliminary statement. LTOs then return to the capital for a final debriefing with the core team, at which time they also may share ideas and recommendations on how to improve the election process, as well as how to improve future observation missions. Following the debriefing session, LTOs depart from the country.

The core team remains in the country for approximately two weeks following election day, to observe the post-election process, draft final report submissions and conduct farewell meetings with national level officials and other key stakeholders. During these meetings, core team members should discuss any reactions stakeholders may have to the preliminary statement, as well as ideas for recommendations on how the election process can be improved. The head of mission should also discuss the preliminary statement and possible recommendations with the election administration and other relevant officials during farewell meetings, which may lay the groundwork for future follow-up activities.

Prior to their departure, core team members should meet together as a group to formulate and discuss recommendations to be included in the final report. Recommendations should be concrete, implementable and based on OSCE commitments, international standards or other good practices for democratic elections.

The logistics team and finance officer should remain in-country beyond the departure of the rest of the core team to complete the administrative and financial aspects of closing down the mission in line with OSCE rules and regulations.

13



OSCE/DREW THYSLOP

Partnerships

In 1994, in Budapest, the OSCE participating States requested that co-ordination between the various organizations monitoring elections be improved and tasked ODIHR to consult all relevant organizations in order to develop a framework for co-ordination in this field. In this context, ODIHR co-operates closely with other groups of international observers from relevant governmental and non-governmental organizations. ODIHR engages in dialogue with other organizations, particularly in relation to their respective findings and conclusions. This minimizes the possibility that different international organizations will reach different conclusions on an election process.

13.1 Parliamentary Partners

Recognizing the value of co-operation with parliamentary bodies observing elections, ODIHR is committed to partnership with the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE)⁴⁴ the European Parliament and the NATO Parliamentary Assembly, as well as with other parliamentary delegations that have a consistent track record of credible and impartial assessment of elections. ODIHR has established regular practices and procedures for support, co-ordination and co-operation with parliamentary bodies, including the provision of briefings for parliamentary observers and logistical support for their deployment when ODIHR has an EOM in the country. The ODIHR

⁴⁴ When observing elections for local and regional bodies, ODIHR often co-operates with the Council of Europe's Congress of Local and Regional Authorities of Europe.

core team usually includes a parliamentary liaison officer, who facilitates these preparations. Joint election-day observation efforts are conducted in the name of the respective organizations and under the inclusive umbrella of an international election observation mission.

ODIHR's partnership with the OSCE PA is conducted on the basis of a Co-operation Agreement signed in 1997 as endorsed by OSCE Ministerial Council Decision 19/06, which stresses that election observation is a common endeavour involving ODIHR, the OSCE PA and other parliamentary institutions. On international election observation missions, ODIHR works in particularly close partnership with the OSCE PA, and the two institutions exchange information throughout an election process; furthermore, an ODIHR EOM facilitates short-term observation by the OSCE PA by providing logistical and administrative support. In addition, the OSCE Chairperson-in-Office may designate a political figure, who should normally be the President of the OSCE PA or a senior official, to be a special co-ordinator to lead the OSCE STOs for a particular election. In such cases, the special co-ordinator delivers the preliminary statement at the press conference in conjunction with the leaders of other parliamentary delegations and the ODIHR head of mission.

ODIHR EOMs also co-operate with election observation missions organized by the Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS) and the CIS Executive Committee. The respective missions meet periodically to exchange information and compare notes on the election process.

13.2 OSCE Field Operations and Institutions

ODIHR EOMs and the respective resident OSCE field operations (where applicable) operate independently under their distinct and separate mandates. This distinction should always be made clear to host-country authorities and to the general public, beginning with the introductory press release or press conference. At the same time, OSCE field operations are a valuable source of knowledge, expertise, advice and support for an ODIHR EOM.

The EOM should also familiarize itself with any country-specific work by other ODIHR departments and OSCE institutions that might be relevant to the electoral process. In particular, the activities of the OSCE High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media often have a bearing on the work of an EOM.

13.3 Other Organizations

In addition to its partnerships with parliamentary observers and other international organizations, and its close relationship with other OSCE institutions and field operations, ODIHR co-operates with other groups observing elections, including international NGOs.

ODIHR also co-operates with domestic, non-party election observation groups through regular dialogue and the exchange of information at the national and regional levels. Domestic election observation contributes to the protection of human rights and promotes the transparency of and public confidence in democratic election processes. ODIHR supports the rights of domestic observer groups to observe all aspects of the election process, as recognized in the Copenhagen Document and the Declaration of Principles for International Election Observation. However, it is the ODIHR's policy to keep the international observation effort, and its conclusions, strictly separate from any domestic observation efforts.⁴⁵

45 The ODIHR published a *Handbook for Domestic Election Observers* in 2003, which is available on the ODIHR website, at <http://www.osce.org/odihr/item_11_13586.html>.

14



The Final Report

The final report provides an overall assessment of the electoral process. In particular, the report provides a mission's conclusions on the process in its entirety, and on the extent to which the event was conducted in accordance with OSCE commitments and other international standards for democratic elections, as well as with national legislation. More importantly, it also provides concrete and constructive recommendations for the host country authorities on how the process might be improved or brought more closely in line with OSCE commitments. The final report is released approximately two months after the end of the election process. It is translated into the official language(s) of the country in question and is distributed widely in-country, at the OSCE Permanent Council in Vienna and to other international organizations. It is also made available to the public on the ODIHR website.

The final report draws on findings of the entire election mission, including the work of the core team, and if applicable, LTOs and STOs. It includes sections describing in detail the election's political context; legislative framework; the performance of the election administration; voter and candidate registration; the election campaign; the media; women's participation; national minority participation; the role of civil society and access for domestic observers; voting, counting, and tabulation processes; and the complaints and appeals process. The final report also takes into consideration whether any reported irregularities or violations of the law were isolated incidents or formed a systematic pattern that may have affected the integrity of the election process. It reflects the extent to which the electoral process was carried out in a manner that enjoyed the confidence of the candidates and the electorate, as well

as the degree of political will demonstrated by the authorities to conduct a genuine democratic election process.

Whenever possible, the ODIHR Election Department, often jointly with the head of the EOM, conducts a visit to present the final report and accompanying recommendations to the authorities of the participating State, as well as to other election stakeholders. Such visits also allow ODIHR an opportunity to discuss possible follow-up activities or assistance with election authorities and other relevant officials. In some cases it can be useful to organize a roundtable meeting to discuss final report recommendations with a broad range of stakeholders, including representatives of political parties and civil society groups.

15



OSCE/ODIHR/GUNNARSÐÓTTIR

Follow-Up

As noted earlier, all OSCE participating States committed themselves in the Charter for European Security (1999) to follow up promptly on ODIHR election assessments and recommendations. This commitment was reiterated at the 2002 Meeting of the OSCE Ministerial Council in Porto, where participating States were called upon to strengthen their responses to ODIHR recommendations following the observation of elections.⁴⁶ These repeated commitments highlight the importance that the Organization attaches to follow-up measures to improve electoral processes and, specifically, to ODIHR's role in facilitating the implementation of its recommendations.

A key element of the final report is the section on recommendations offered for consideration by the host country authorities on how the overall electoral process, or elements of the process, might be improved. Recommendations might include suggestions for changes to legislation or to election-administration practices, based on OSCE commitments, other international standards and good practices. These recommendations provide the basis for follow-up activities and dialogue. The final report reiterates that ODIHR stands ready to assist the authorities, election officials and others in rectifying the shortcomings identified.

Election observation is not an end in itself but is intended to assist OSCE participating States with the implementation of their election-related commitments. The utility of an election observation activity can only be maximized if the recommendations it provides are given se-

⁴⁶ Decision No. 7, Election Commitments, OSCE Porto Ministerial Council, 2002.

rious consideration and are implemented effectively. The impact and usefulness of election observation activities are multiplied by an effective follow-up process.

Due to its limited resources, the ODIHR Election Department has, so far, been unable to sustain broad, systematic follow-up efforts. For this reason, efforts have been concentrated on legal reform aimed at bringing legal frameworks for elections in line with OSCE commitments. ODIHR has undertaken other follow-up activities in addition to legal reviews, including supporting OSCE field operations on targeted election technical assistance, deploying election-expert teams, and participating in relevant roundtables and seminars to discuss ODIHR election recommendations. In order to maintain its impartiality, ODIHR does not provide election assistance immediately prior to or during an election observation period.

ODIHR has been exploring ways to intensify follow-up efforts and make follow-up more meaningful and more systematic through, for instance, improving internal co-ordination and co-operation within ODIHR as well as through fostering new partnerships. To that end, inter-departmental synergies are being strengthened on issues such as voter and population registration, participation of women in elections, campaign financing and the resolution of election disputes. ODIHR election observation reports also identify issues that can often be addressed through longer-term ODIHR programmes aimed at protecting human rights, strengthening democratic institutions, respecting the rule of law, and fostering civil society in all participating States. Such programmes draw on the overall resources and expertise of ODIHR in the field of human rights and democratization.

Furthermore, ODIHR follow-up efforts should be better integrated with those of the OSCE in general, and with OSCE field operations in particular. Partnerships with potential donors or technical-assistance providers present in-country should be deepened. These may include the European Commission, the Council of Europe, UNDP and others. The legal reviews that ODIHR frequently carries out jointly with the Venice Commission are examples of the positive results this co-operation can generate. Through such collaborative efforts, ODIHR is able to maximize its limited resources.

A follow-up dialogue can begin with the delivery of the ODIHR final report to the authorities in an OSCE participating State where the Office has observed elections. A visit shortly after the report is released is an opportunity to discuss the report, its recommendations and modalities for follow-up. Such visits may provide an opportunity to exchange views on a recently released final report. Discussions of this type should include national and international stakeholders, including donors and technical-assistance providers, as the main actors in assessing priority recommendations and ways to implement them. Follow-up visits regularly help to maintain momentum for election reform and to co-ordinate actions to address identified shortcomings sufficiently in advance of the next election.

Successful follow-up critically depends on the readiness of the authorities of the respective participating State to improve the election process and the existence of a strong political will to genuinely engage in electoral reforms and implement ODIHR recommendations.

Annexes

Annex A

OSCE Commitments on Elections

Copenhagen, 1990 (election-specific commitments)

(6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect in accordance with their laws, their international human rights obligations and international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

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

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

Copenhagen, 1990 (other related commitments)

In order to strengthen respect for, and enjoyment of, human rights and fundamental freedoms, to develop human contacts and to resolve issues of a related humanitarian character, the participating States agree on the following:

(...)

(3) They reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.

(4) They confirm that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

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

(5.1) free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;

(5.2) a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;

(5.3) the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;

(5.4) a clear separation between the State and political parties; in particular, political parties will not be merged with the State;

(5.5) the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;

(5.6) military forces and the police will be under the control of, and accountable to, the civil authorities;

(5.7) human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;

(5.8) legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;

(5.9) all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;

(5.10) everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;

(5.11) administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;

(...)

(10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection, the participating States express their commitment to:

(10.1) respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information;

(...)

(10.3) ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups;

(10.4) allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations and to solicit, receive and utilize for the purpose of promoting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law.

(...)

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which

are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

(...)

(26) The participating States recognize that vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions. They will therefore encourage, facilitate and, where appropriate, support practical co-operative endeavours and the sharing of information, ideas and expertise among themselves and by direct contacts and co-operation between individuals, groups and organizations in areas including the following:

- constitutional law, reform and development;
- electoral legislation, administration and observation;
- establishment and management of courts and legal systems;
- the development of an impartial and effective public service where recruitment and advancement are based on a merit system;
- law enforcement;
- local government and decentralization;
- access to information and protection of privacy;
- developing political parties and their role in pluralistic societies;
- free and independent trade unions;
- co-operative movements;
- developing other forms of free associations and public interest groups;
- journalism, independent media, and intellectual and cultural life;
- the teaching of democratic values, institutions and practices in educational institutions and the fostering of an atmosphere of free enquiry.

Such endeavours may cover the range of co-operation encompassed in the human dimension of the CSCE, including training, exchange of information, books and instructional materials, co-operative programmes and projects, academic and professional exchanges and conferences, scholarships, research grants, provision of expertise and advice, business and scientific contacts and programmes.

Paris 1990 (Charter of Paris for a New Europe)

(...)

Human Rights, Democracy and Rule of Law

We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

We affirm that, without discrimination,

- every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression, freedom of association and peaceful assembly, freedom of movement;

no one will be:

- subject to arbitrary arrest or detention, subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

- to know and act upon his rights,
- to participate in free and fair elections,
- to fair and public trial if charged with an offence,
- to own property alone or in association and to exercise individual enterprise,
- to enjoy his economic, social and cultural rights.

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights.

Full respect for these precepts is the bedrock on which we will seek to construct the new Europe.

Our States will co-operate and support each other with the aim of making democratic gains irreversible.

(...)

We decide to establish an Office for Free Elections in Warsaw to facilitate contacts and the exchange of information on elections within participating States.

Moscow 1991

(18.1) Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives.

Lisbon 1996 (Summit Declaration)

(9) (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) electoral fraud (...) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

Istanbul, 1999 (Summit Declaration)

26. With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commitments. This is the only way in which there can be a stable basis for democratic development. We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE Parliamentary Assembly - before, during and after elections - which further contributes to the democratic process. We are committed to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

Istanbul, 1999 (Charter for European Security)

25. We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

OSCE Ministerial Council Decisions:

Rome 1993 (Decisions: IV. The Human Dimension)

4. Office for Democratic Institutions and Human Rights

The Ministers decided to strengthen the ODIHR's functions and operations. *Inter alia*, the ODIHR will enhance its activities under its mandate in the following areas:

(...)

enhancement of its role in comprehensive election monitoring (...)

Budapest 1994 (Decisions: VIII. The Human Dimension)

12. The ODIHR will play an enhanced role in election monitoring, before, during and after elections. In this context, the ODIHR should assess the conditions for the free and independent functioning of the media.

The participating States request that co-ordination between the various organizations monitoring elections be improved, and task the ODIHR to consult all relevant organizations in order to develop a framework for co-ordination in this field.

In order to enhance election monitoring preparations and procedures, the ODIHR will also devise a handbook for election monitors and set up a rolling calendar for upcoming elections.

Porto 2002, Decision No. 7, Election Commitments

The Ministerial Council,

(...)

Calls upon participating States to strengthen their response to the ODIHR's recommendations following election observations,

Tasks the Permanent Council to consider the need to elaborate additional commitments on elections, in the spirit of enhanced co-operation with other international organizations, as well as among participating States, and to report to the next Ministerial Council meeting.

Maastricht 2003, Decision No. 5/03, Elections

The Ministerial Council,

(...)

Acknowledging that democratic elections can be conducted under a variety of different electoral systems and laws,

Recognizing the ODIHR's expertise in assisting participating States in the implementation of election-related commitments and standards,

Welcoming the continuing efficient co-operation between the ODIHR and the OSCE Parliamentary Assembly in election monitoring,

Welcoming the document “Existing Commitments for Democratic Elections in OSCE participating States: A Progress Report” (ODIHR.GAL/39/03), which was prepared by the DIHR and submitted to the participating States in June of this year,

Recognizing in particular the need for confidence by the electorate in the entire process, for transparency of election procedures, and for accountability on the part of authorities conducting elections, calls upon participating States to further enhance their co-operation with the ODIHR in this field,

Tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election observation reports and inform the Permanent Council on progress made in fulfilling this task;

Tasks the Permanent Council, drawing on expertise from the ODIHR, to consider the need for additional commitments on elections, supplementing existing ones, and report to the next Ministerial Council.

Brussels 2006, Decision No. 19/06, Strengthening the Effectiveness of the OSCE

The Ministerial Council,

(...)

Section 2: Report of the ODIHR

1. Thanks the ODIHR for the work carried out under Ministerial Council Decision No. 17/05 paragraph 2 and takes note of its report issued on 10 November 2006;

(...)

7. Recognizes ODIHR’s expertise in assisting the participating States through its election-related activities, including reviewing election legislation and carrying out election observations;

8. Commits to further develop OSCE’s election related activities, and in this context, reaffirms the provisions of the Document of the Copenhagen Meeting on the Human Dimension of the CSCE (1990) as the corner stone of the common OSCE commitments of the participating States to protect and promote human rights and fundamental freedoms, including those that are necessary for achieving democratic elections;

9. Notes that relevant provisions of the Budapest Summit Declaration (1994), the Lisbon Summit Declaration (1996), the Istanbul Summit Declaration (1999), the Charter for European Security (1999) and subsequent decisions of the Ministerial Councils of Porto (2002) and Maastricht (2003) have supplemented those commitments;

10. Reaffirms the commitments of the participating States to invite observers to elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe;

11. Emphasizes that the participating States can themselves effectively contribute to enhance the integrity of the electoral process by seconding observers;

12. Recognizes the ongoing need to ensure accountability, objectivity, transparency and professionalism of election observation;

13. Agrees that ODIHR should put into practice the improvements and recommendations concerning election related activities, including as contained in the report, and particularly as listed below, and will regularly submit reports on their implementation, through its Director, for review by the Permanent Council as appropriate:

- To further strengthen the observation methodology and assistance programmes;
- To ensure as wide as possible geographical coverage in ODIHR's election activities;
- To further diversify the participation of short-term, long-term and "core team" observers based on increased support of a wider range of participating States, by encouraging the participating States to contribute to the diversification fund, by supporting national training efforts and by developing OSCE-wide networks of election observation practitioners;
- While maintaining the highest professional standards, to further increase the transparency of recruitment of members of observation teams, including by active advertising, training, competitive procedures and open rosters for heads of election observation missions and "core team" members, which are regularly communicated to participating States and available through publicly accessible databases;
- To give utmost attention to the independence, impartiality and professionalism of ODIHR's election observation;
- To enhance the linguistic inclusiveness and ensure that languages used would not affect in any way the effectiveness of the observation;

14. Stresses that election observation is a common endeavour involving the OSCE/ODIHR, the OSCE Parliamentary Assembly and other parliamentary institutions;

15. Recognizes that close co-operation with the OSCE Parliamentary Assembly considerably enhances the visibility of the OSCE's election observation efforts, and calls on the ODIHR to continue to work in partnership with the Parliamentary Assembly on election observation missions on the basis of the 1997 Co-operation Agreement;

Annex B

Sample Observation Forms for Voting

International Election Observation Mission	Observation Report Form A – OPENING (1 Page)		
STO Team Number: <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>	DEC Number: <input type="text"/> <input type="text"/>	PEC Number: <input type="text"/> <input type="text"/> <input type="text"/>	
A1 Time of Arrival (<i>Use 24 hr clock</i>): <input type="text"/> <input type="text"/> : <input type="text"/> <input type="text"/>	A2 Polling Station is: <input type="checkbox"/> Urban <input type="checkbox"/> Rural A3 Polling Station is: <input type="checkbox"/> Regular <input type="checkbox"/> Prison <input type="checkbox"/> Military <input type="checkbox"/> Hospital A4 PEC Chairperson is: <input type="checkbox"/> Male <input type="checkbox"/> Female		
B. Opening procedures			
	Y	N	n/a
B1 Were all necessary election materials present	<input type="checkbox"/>	<input type="checkbox"/>	
B1.1 If <i>NO</i> to B1: <input type="checkbox"/> PEC seal <input type="checkbox"/> Polling booth/s <input type="checkbox"/> Ballot papers <input type="checkbox"/> Invisible ink <input type="checkbox"/> Voters list <input type="checkbox"/> PEC Record <input type="checkbox"/> Ballot box <input type="checkbox"/> Ballot box(es) <input type="checkbox"/> Envelopes <input type="checkbox"/> Protocols <input type="checkbox"/> UV lamp <input type="checkbox"/> Other			<input type="checkbox"/>
B2 Were the tasks/responsibilities of individual PEC members determined by drawing lots	<input type="checkbox"/>	<input type="checkbox"/>	
B3 Was the number of voters in the general VL announced and entered into the protocols (pt. 1)	<input type="checkbox"/>	<input type="checkbox"/>	
B4 Were the packages of ballots and envelopes intact	<input type="checkbox"/>	<input type="checkbox"/>	
B5 Was the number of ballot papers announced and entered into the protocols (pt. 5)	<input type="checkbox"/>	<input type="checkbox"/>	
B6 Was there a VL supplement (for mobile voting) in the polling station (PS)	<input type="checkbox"/>	<input type="checkbox"/>	
B7 Were the ballot boxes properly sealed (If <i>NO</i> , please comment in Form E).....	<input type="checkbox"/>	<input type="checkbox"/>	
B8 Were the serial numbers of the ballot box seals entered into the Record Book	<input type="checkbox"/>	<input type="checkbox"/>	
B9 Were control sheets inserted in every ballot box	<input type="checkbox"/>	<input type="checkbox"/>	
B10 Did the PS open for voting at 08:00 hrs	<input type="checkbox"/>	<input type="checkbox"/>	
B10.1 If <i>NO</i> to B10: <input type="checkbox"/> 08:00-08:15 <input type="checkbox"/> 08:16-08:30 <input type="checkbox"/> 08:31-09:00 <input type="checkbox"/> After 09:00			<input type="checkbox"/>
C. Officials and (Un)authorized People			
	Y	N	n/a
C1 How many PEC members have been appointed	<input type="text"/> <input type="text"/>		
C2 How many appointed PEC members are women	<input type="text"/> <input type="text"/>		
C3 How many of the PEC members were present	<input type="text"/> <input type="text"/>		
C4 Were party/bloc proxies present at the opening of this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C4.1 If <i>YES</i> to C4: <input type="checkbox"/> Party A <input type="checkbox"/> Party B <input type="checkbox"/> Party C <input type="checkbox"/> Bloc D <input type="checkbox"/> Bloc E <input type="checkbox"/> Bloc F <input type="checkbox"/> Other			<input type="checkbox"/>
C5 Were domestic non-partisan observers present at the opening of this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C5.1 If <i>YES</i> to C5: <input type="checkbox"/> Group A <input type="checkbox"/> Group B <input type="checkbox"/> Group C <input type="checkbox"/> Group D <input type="checkbox"/> Other			<input type="checkbox"/>
C6 Were any unauthorized persons present at the opening of this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C6.1 If <i>YES</i> to C6: <input type="checkbox"/> Police, uninvited <input type="checkbox"/> Local officials <input type="checkbox"/> State officials <input type="checkbox"/> Military <input type="checkbox"/> Candidate(s) <input type="checkbox"/> Party activist(s) <input type="checkbox"/> Other			<input type="checkbox"/>
C6.2 If <i>YES</i> to C6: Were they directing/interfering in the work of the PEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Transparency			
	Y	N	n/a
D1 Did all observers present have a clear view of the opening procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Were you in any way restricted in your observation of the opening procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Did any observers or party/bloc proxies inform you of problems at this PS during opening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Evaluation			
E1 The overall conduct of the opening of this PS was:			
<input type="checkbox"/> Very good <input type="checkbox"/> Good <input type="checkbox"/> Bad <input type="checkbox"/> Very bad			
COMMENTS/EXCEPTIONAL OBSERVATIONS: Indicate [X] if you completed a Form E for OPENING at this PS <input type="checkbox"/> Please now complete "Observation Report Form B – VOTING" for this PS			
When Faxing / Scanning: Page _____ out of a total of _____ pages.			



STO Team Number [] - [] DEC Number [] PEC Number []

Time of arrival (24 hr clock): [] : [] : [] A2 Polling station is: Urban Rural
 A1 Time of departure (24 hr clock): [] : [] : [] A3 Polling station is: Regular Prison Military Hospital
 A4 PEC Chairperson is: Male Female

B. Circumstances outside the PS Y N

B1 Are **campaign activities** taking place in the vicinity of the polling station (PS)..... Y N

B2 Is there **tension or unrest** in the vicinity of the PS..... Y N

B3 Is there a **large crowd** waiting to vote..... Y N

B4 Any other problems in the vicinity of the PS..... Y N

C. Officials and (Un)authorized people Y N n/a

C1 How many PEC members have been appointed..... []

C2 How many appointed PEC members are women..... []

C3 How many of the PEC members reported for work on election day..... []

C4 Were party/bloc proxies present at this PS..... Y N

C4.1 If YES to C4: Party A Party B Party C Bloc D Bloc E Bloc F Other

C5 Were domestic non-partisan observers present at this PS..... Y N

C5.1 If YES to C5: Group A Group B Group C Group D Other

C6 Were any unauthorized persons present at this PS..... Y N

C6.1 If YES to C6: Police, uninvited Local official(s) State official(s) Military
 Candidate(s) Party activist(s) Other

C6.2 Were they directing/interfering in the work of the PEC..... Y N

D. Arrangements inside the PS Y N n/a

D1 Was the PS layout adequate to conduct polling..... Y N

D2 Were the ballot box(es) sealed properly..... Y N

D3 Were video cameras installed in the polling station..... Y N

D3.1 If YES to D3: Did the placement of the cameras in any way undermine the secrecy of the vote..... Y N

D4 Were all phases of the voting process and ballot box visible to the PEC and observers..... Y N

D5 Were you prevented in your observation in any way..... Y N

D6 Were election materials available in the languages of national minorities..... Y N

D7 Were all necessary election materials present..... Y N

D7.1 If NO to D7: UV lamp Polling booth(s) Ballot papers Invisibile ink
 Protocols Voters list Envelopes PEC seal Other

E. Circumstances inside the PS (Did you observe any of the following?) Y N

E1 Overcrowding..... Y N

E2 Campaign material or campaign activity..... Y N

E3 Intimidation of voters..... Y N

E4 Tension / Unrest..... Y N

E5 Other problems..... Y N

F. Registered voters and turnout n/k

F1 Ballots received by the PEC (for majoritarian elections)..... [] [] [] []

F2 How many envelopes for ballots were received..... [] [] [] []

F3 Voters registered on the general voter list (VL)..... [] [] [] []

F4 Voters registered on the special VL..... [] [] [] []

F5 Voters on the VL supplement for mobile voting..... [] [] [] []

F6 Voters who have voted in the polling station premises so far..... [] [] [] []

When Faxing / Scanning: Page ____ out of a total of ____ pages.



STO Team Number [] — [] DEC Number [] PEC Number []

G. Voting procedures n/k

Were procedures followed (3 = always; 2 = mostly; 1 = sometimes; 0 = never)

	3	2	1	0	n/k
G1 Did the PEC check the voters' IDs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G2 Did the PEC sign and stamp the ballots.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G3 Did the voters sign the voter list.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G4 Did voters mark their ballots in secrecy.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G5 Were voters checked for traces of invisible ink before being allowed into the PS.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G6 Were voters' fingers marked with invisible ink upon receiving the ballots(s).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Did you observe any of the following problems or irregularities Y N n/k n/a

	Y	N	n/k	n/a
G7 Were voters refused the right to vote.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G7.1 If YES to G7: <input type="checkbox"/> No proper ID <input type="checkbox"/> Not on VL <input type="checkbox"/> Already voted <input type="checkbox"/> Other				<input type="checkbox"/>
G8 Voters denied the right to vote at this PS for inappropriate reasons.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G9 Voters without proper ID allowed to vote.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G10 Series of seemingly identical signatures on the voter list.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G11 Voters voting together in the booth (group voting).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G12 Anyone voting, or attempting to vote, more than once (multiple voting).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G13 Cases of anyone voting on behalf of someone else, absent or present (proxy voting).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G14 Anyone voting with a pre-marked ballot paper (carousel voting).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G15 Indications of ballot box stuffing (e.g. ballots in stacks inside box).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G16 Same person "assisting" numerous voters.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G17 Any PEC member or party/bloc proxy being dismissed.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G18 Voters who already had traces of ink still allowed to vote.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G19 Were there any other procedural problems.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

H. Transparency Y N n/k

	Y	N	n/k
H1 Did all observers present have a clear view of the voting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H2 Did the PEC cooperate with you fully during your observation.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H3 Were you in any way restricted in your observation of the voting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H4 Did any observers or party/bloc proxies inform you of problems at this PS.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H5 Was any official complaint filed at this PS.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I. Number of voters during observation

I1 How many people voted while you were observing the voting at this PS
 0 1 - 5 6 - 10 11 - 50 More than 50

J. Evaluation

J1 The overall conduct of the voting of this PS was:
 Very good Good Bad Very bad

	5	4	3	2	1	n/k
J2 Please indicate your opinion according to the range of 5 = very good to 1 = very bad:						
J2.1 General environment / circumstances.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.2 Procedures followed.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.3 PEC's understanding of voting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.4 Voters' understanding of voting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.5 Performance of PEC.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.6 Transparency of the voting process.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS/EXCEPTIONAL OBSERVATIONS: Check the box to the right if you completed a Form E for VOTING at this PS

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STO Team Number - DEC Number PEC Number

A1 Time of Arrival (Use 24 hr clock): : A2 Polling Station is: Urban Rural
Time of Departure (Use 24 hr clock): : A3 PEC Chairperson is: Male Female

B. Closing of the PS		Y	N	n/a
B1	Were voters waiting to vote inside the PS at 20:00 hours	<input type="checkbox"/>	<input type="checkbox"/>	
B1.1	If YES to B1, were they allowed to vote	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B2	Did the PS close on time	<input type="checkbox"/>	<input type="checkbox"/>	
B2.1	If NO to B2: <input type="checkbox"/> 20:00-20:15 <input type="checkbox"/> 20:16-20:30 <input type="checkbox"/> 20:31-21:00 <input type="checkbox"/> After 21:00			<input type="checkbox"/>
B3	Were members tasked with counting procedures (counting officers) appointed by drawing lots	<input type="checkbox"/>	<input type="checkbox"/>	
B3.1	If NO to B3, who selected them <input type="checkbox"/> PEC chairperson <input type="checkbox"/> PEC (by a vote) <input type="checkbox"/> Other			<input type="checkbox"/>

C. Officials and (Un)authorized people		Y	N	n/a
C1	How many PEC members have been appointed	<input type="text"/>	<input type="text"/>	
C2	How many appointed PEC members are women	<input type="text"/>	<input type="text"/>	
C3	How many of the PEC members were present at the time of closing	<input type="text"/>	<input type="text"/>	
C4	Were party/bloc proxies present at this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C4.1	If YES to C4: <input type="checkbox"/> Party A <input type="checkbox"/> Party B <input type="checkbox"/> Party C <input type="checkbox"/> Bloc D <input type="checkbox"/> Bloc E <input type="checkbox"/> Bloc F <input type="checkbox"/> Other			<input type="checkbox"/>
C5	Were domestic non-partisan observers present at this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C5.1	If YES to C5: <input type="checkbox"/> Group A <input type="checkbox"/> Group B <input type="checkbox"/> Group C <input type="checkbox"/> Group D <input type="checkbox"/> Other			<input type="checkbox"/>
C6	Were any unauthorized persons present at this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C6.1	If YES to C6: <input type="checkbox"/> Police, uninvited <input type="checkbox"/> Local officials <input type="checkbox"/> State officials <input type="checkbox"/> Military <input type="checkbox"/> Candidate(s) <input type="checkbox"/> Party activist(s) <input type="checkbox"/> Other			<input type="checkbox"/>
C6.2	If YES to C6: Were they directing/interfering in the work of the PEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D. Steps to be completed before the ballot boxes are opened		Y	N	n/k	n/a
D1	Was the number of voters in the special VL announced and entered into the protocols (pt. 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2	Was the number of voters who participated in voting counted and entered in protocols (pt. 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Was the number of unused ballots counted and entered in protocols (pt. 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	Was the number of spoiled ballot papers counted and entered in protocols (pt. 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Were VLs, unused and spoiled ballot papers packed in separate envelopes and sealed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Opening of the ballot boxes		Y	N	n/k	n/a
E1	Were the seals of the ballot boxes intact/undamaged	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E2	Were the serial numbers of ballot box seals the same as those entered in the Record Book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E3	Was the mobile ballot box opened first	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E4	Were control sheets found in every ballot box	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E5	Were the control sheets found in the ballot boxes identical with the one kept by the PEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

F. Counting of votes by party/bloc/candidate and invalid		Y	N	n/k
F1	Indication of ballot box stuffing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F2	Was the choice on every ballot announced aloud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F3	Did the counting officer show each ballot to everybody present	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F4	Were at least two proxies/observers allowed to closely observe the counting of ballots	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F5	Was validity of contested ballots determined through a vote of the PEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F6	Was validity of contested ballots determined reasonably	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F7	Was validity of contested ballots determined consistently	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F8	Were all PEC members free to examine the ballot papers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F9	Did the PEC announce the number of invalid ballots and enter it in pt. 8 of the protocols	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F10	Did PEC crosscheck the data after counting (valid votes + invalid ballots = signatures in VLs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F11	Did the PEC pack and seal the ballots for each election subject separately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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STO Team Number - DEC Number PEC Number

G. Completion of the PEC protocol		Y	N	n/k	n/a
G1	Did the PEC have difficulties filling in the protocols.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G2	Did the PEC revise any figures established and entered in the protocols earlier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
G2.1	If YES to G2: Were any correction protocols filled in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G3	Have official complaints related to counting process been filed.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G4	Was any dissenting opinion of PEC member on the count entered into the protocols.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G5	Was any PEC member refused the right to enter a dissenting opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G6	Did any present PEC member refuse to sign the protocols.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G7	Were copies of the protocols posted at the polling station for public familiarization.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G8	Did all entitled persons receive copies of the protocols upon request.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G9	Did you receive a copy of the official protocol.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

H. Did you observe any of the following problems or irregularities		Y	N	n/k
H1	Have any observers, party/bloc proxies or PEC members been expelled from the PS.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H2	Is the PS overcrowded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H3	Are non-PEC member/s participating in the count.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H4	Are observers or PEC members prevented from examining the ballots upon request.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H5	Is the official protocol forms pre-signed by PEC members.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H6	Are there any evidence of falsification of VL entries, results or protocols.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H7	Are there any significant procedural errors or omissions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H8	Is there any tension or unrest in or around the PS.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I. Transparency		Y	N	n/k
I1	Did all observers present have a clear view of the counting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	
I2	Were you granted full co-operation from the PEC during your observation.....	<input type="checkbox"/>	<input type="checkbox"/>	
I3	Were you in any way restricted in your observation of the counting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	
I4	Did any observers or party/bloc proxies inform you of problems at this PS.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I5	Was any official complaint filed at this PS during your stay.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

J. Evaluation							
J1	The overall conduct of the count at this PS was						
	<input type="checkbox"/> Very good <input type="checkbox"/> Good <input type="checkbox"/> Bad <input type="checkbox"/> Very bad						
	Please indicate an opinion as to (insert 'x'):						
		Very good-----				-----Very bad	n/k
		5	4	3	2	1	
J2.1	Procedures followed.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.2	PEC's understanding of counting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.3	Voters' understanding of counting procedures.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.4	Performance of PEC.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J2.5	Transparency of the counting process.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

K. Transfer of PEC protocols and handover at DEC's		Y	N	n/k
K1	Did the PEC transmit the protocols to the CEC by fax (or other means).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K2	Did any PEC members accompany the PEC chair and the election material.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K3	Was the election material directly transferred to the DEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K4	Did police escort the election material to the DEC.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS/EXCEPTIONAL OBSERVATIONS: Indicate [X] if you completed a **Form E** for COUNTING at this PS

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STO Team Number - DEC Number Number of PS processed

A1 Start time of reporting (24 hr clock): :
End time of reporting (24 hr clock): :

B. Conditions at the DEC	Y	N	n/k
B1 Were the facilities adequate for reception and recording of PEC protocols.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B2 Were any observers/proxies expelled from the DEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. Officials and (Un)authorized people	Y	N	n/a
C1 How many of the DEC members were present.....	<input type="text"/> <input type="text"/>		
C2 Were party/bloc proxies present at the DEC.....	<input type="checkbox"/>	<input type="checkbox"/>	
C2.1 If YES to C2: <input type="checkbox"/> Party A <input type="checkbox"/> Party B <input type="checkbox"/> Party C <input type="checkbox"/> Bloc D <input type="checkbox"/> Bloc E <input type="checkbox"/> Bloc F <input type="checkbox"/> Other			<input type="checkbox"/>
C3 Were domestic non-partisan observers present at the DEC.....	<input type="checkbox"/>	<input type="checkbox"/>	
C3.1 If YES to C3: <input type="checkbox"/> Group A <input type="checkbox"/> Group B <input type="checkbox"/> Group C <input type="checkbox"/> Group D <input type="checkbox"/> Other			<input type="checkbox"/>
C4 Were any unauthorized persons present at this PS	<input type="checkbox"/>	<input type="checkbox"/>	
C4.1 If YES to C4: <input type="checkbox"/> Police, uninvited <input type="checkbox"/> Local officials <input type="checkbox"/> State officials <input type="checkbox"/> Military <input type="checkbox"/> Candidate(s) <input type="checkbox"/> Party activist(s) <input type="checkbox"/> Other			<input type="checkbox"/>
C4.2 If YES to C4: Were they directing/interfering in the work of the DEC.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D. Receipt and tabulation of PEC protocols	Y	N	n/k
D1 Did you observe any significant procedural errors or omissions in the work of the DEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D2 Were PECs correcting protocols at the DEC without a formal decision of the DEC.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D3 Did the figures in the PEC protocol reconcile correctly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D4 Were PECs filling in protocols at DEC premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D5 Were the seals on the PEC material intact upon arrival	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D6 Did PECs deliver all required documentation to the DEC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D7 Did the DEC check that protocols were completed correctly and in full	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D8 Were all protocols that you saw completed correctly and in full	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D9 How many recounts did the DEC conduct	<input type="text"/> <input type="text"/>		
D10 How many PEC results were annulled	<input type="text"/> <input type="text"/>		

E. Transparency	Y	N	n/k
E1 Did all observers present have a clear view of the procedures	<input type="checkbox"/>	<input type="checkbox"/>	
E2 Were you in any way restricted in your observation	<input type="checkbox"/>	<input type="checkbox"/>	
E3 Were other observers/proxies prevented from observing in any way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E4 Was any official complaint filed at this DEC during your stay.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E5 Were observers/proxies allowed to familiarize themselves with all aspects of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Evaluation						n/k
F1 In general, the conduct of the results tabulation at this DEC was	<input type="checkbox"/> Very good <input type="checkbox"/> Good <input type="checkbox"/> Bad <input type="checkbox"/> Very bad					
Please indicate an opinion as to (insert 'x'):		Very good-----Very bad				
		5	4	3	2	1
F2.1 DEC members understanding of tabulation procedures						<input type="checkbox"/>
F2.2 How the data entry was organized						<input type="checkbox"/>
F2.3 Promptness/orderliness of protocol receipt at DEC						<input type="checkbox"/>
F2.4 Transparency of tabulation process						<input type="checkbox"/>
F2.5 DEC handling of problems/complaints						<input type="checkbox"/>

COMMENTS/EXCEPTIONAL OBSERVATIONS: Indicate [X] if you completed a **Form E** at this DEC

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STO Team Number [] [] - [] []

DEC Number [] []

PEC Number [] [] []

Related Form(s): A B C D

ANY ADDITIONAL COMMENT OR EXCEPTIONAL OBSERVATIONS?

Use Form E to either:

- > give comments **additional to your answers to any of the questions on Forms A, B, C, D1, D2;**
- > describe an **exceptional violation or event** that was directly observed by the STO team;

When filling out this form, you should:

- > be brief and use "bullet points";
- > Complete a separate report for each PEC as required, including all your additional comments for that PEC,
- > For each additional comment, include a reference to the question number on the related form, and the time of the observation (24 hr clock, hh:mm).

[Lined area for providing additional comments or exceptional observations]

Please **Mark** the box to the right if you have to continue on a separate sheet and clearly state your STO team number at the top of that sheet and the PEC and DEC number the case refers to.

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Annex C

Glossary of Terms

The following represents a list of terms often used by ODIHR in its reporting and during its election-related activities:

Absentee Voting: A voting procedure allowing voters to cast their ballots at a location other than the polling station at which they are registered. Voters are usually issued an absentee voting certificate at the polling station at which they are registered. This certificate enables them to vote at another polling station in the electoral district. Depending on the type of election, this could be the municipality, the parliamentary constituency or anywhere in the country.

Ballot Box: Secure, sealed box into which voters deposit their ballots. This box can sometimes be transparent.

Ballot Paper: The official paper on which all registered candidates, parties or candidate lists are listed. Voters select the candidate or party of their choice by marking a ballot paper.

Ballot Stuffing: Literally, where multiple ballots are illegally placed (stuffed) into a ballot box by one or more individuals. Also called “ballot-box stuffing”.

Bussing: Where voters are transported in an organized fashion to numerous polling stations in order to vote multiple times. This term does not include the provision of transport to voters by parties or state authorities to a single polling station to vote once, as determined by law.

Control Coupon: In some countries, the detachable part of the ballot paper, removed by the election commission prior to a voter placing his/her ballot into the ballot box. Election commissions retain control coupons.

Control Slip: A document signed by the election commission and sometimes also by the first voter at the start of polling. The control slip is deposited in the ballot box, and then retrieved at the end of polling.

Domestic Observer: A citizen of the state holding the election who is registered by an election commission to observe polling. Domestic observers can be non-party observers, fielded by NGOs, or partisan observers, representing a particular party or candidate. If election contestants appoint their representatives as “extended members” of election commissions, they do not usually field partisan domestic observers as well.

Early voting: This refers to a voting procedure as stipulated in election regulations that enables voters to cast their vote before election day, usually in person at specifically designated polling stations. Early voting usually takes place during a specific period before election day.

Election Commissions: A generic term for the bodies administering an election. These are sometimes also referred to as the “election administration” or “electoral manage-

ment bodies". The election administration of a country is usually divided in different tiers: a central election commission, which administers the election process overall; regional election commissions (sometimes also called municipal election commissions, district election commissions, territorial election commissions or constituency election commissions), which administer the election process in a particular region, district or constituency; and precinct election commissions (sometimes also called polling-station commissions or polling boards), which administer the election process in a particular precinct or polling station.

Envelope: An envelope into which the marked ballot is placed by the voter before it is deposited into the ballot box. Envelopes often represent an additional safeguard for ensuring the secrecy of the ballot. Depending on the regulations in a specific country, ballots may only be valid if they are in an envelope. A double-envelope system is often employed for postal voting where the marked ballot is placed into one envelope, which is then sealed and placed into a second that contains information about the voter, to establish eligibility. The second envelope containing the ballot is only placed with the other ballots and counted once the eligibility of a voter has been established.

List of Candidates: A list either of all candidates contesting an election or a list of candidates for a particular party contesting an election.

Group Voting (Family Voting): Where more than one voter is present in a polling booth or behind a voting screen at the same time. The term "family voting" is sometimes used even though it is not always the case that a group of voters are members of one family.

Homebound Voter: A voter who is unable to come to a polling station in person and who votes outside the polling station, usually at home. Voters who are hospitalized also often fall in this category.

Ink: A liquid which, in the context of elections, is applied to voters' finger. This can be clear ink, which becomes visible when placed under a UV lamp, or dark ink, which is visible on its own. The ink is applied to the fingers of voters as specified in the election-related legislation or regulations of the country where the election is being held. This can be an important safeguard against possible multiple voting.

Mobile Voting: Mobile voting is the process by which homebound voters are enabled to cast their votes. Mobile voting is usually facilitated by members of a particular precinct election commission/polling board for homebound voters. A specific mobile ballot box is used to collect the votes cast and voters must sign a specific voter list for homebound voters.

Multiple Voting: Where a person votes more than once, either at a single polling station or multiple polling stations. This term should not be confused with "ballot-box stuffing" or "proxy voting".

Open Voting: Where voters mark their ballots in the open, (i.e., not in polling booths or behind voting screens). Open voting can be involuntary (e.g., if polling booths or voting screens are not made available) or voluntary (e.g., where the voters themselves decide not to use the booths/screens), or by instruction. Observers should try to distinguish be-

tween these variable factors, but should be aware that voters cannot waive their right to a secret ballot.

Out-of-Country voting: A generic term referring to voting by voters who outside the country in which an election is taking place. Out-of-Country Voting is usually regulated by law or specific regulations and applies to citizens residing abroad at the time of an election. They can cast their ballots either in a diplomatic mission or other polling place set up abroad for the particular election, or by post (postal voting).

Polling: A general term for the process of voting and the counting of votes.

Polling Booth: The place where voters mark their ballots in secret. The polling “booth” could in fact be a “voting screen”, set up to ensure voters are able to mark their ballots in secret.

Polling Station or Precinct: The place where polling takes place.

Postal voting: A process by which voters cast their ballots by post. This is also referred to as “by-mail voting”. Postal ballots are usually requested by voters and are sent by the relevant authority. The voter marks the ballots at home or any place other than a polling station. This process usually occurs before election day, and the ballot is mailed the election authority in time for it to be counted on or shortly after election day.

Protocol: Also called the “record of work (of the polling board) or the “(aggregated) table of results”, this is the printed form that serves as the official record of proceedings at a polling station. It includes spaces for recording the names of the members of the election commission, their signatures, the election results and remarks (i.e., comments, events or complaints). The document is used in all elections and is also sometimes known as the “minutes”. Protocols also contain the results, which are then passed on to the next-level election commission.

Proxy Voting: Where a person receives a ballot on behalf of another person and votes on their behalf, usually with their prior knowledge. In some jurisdictions, proxy voting is permitted, providing that the proper documents have been completed. In other countries, proxy voting is not permitted and the law provides that all voting must be done in person.

Repeat voting: This refers to an additional round of voting that will be conducted in the event of cancellation of the voting process in a particular polling station, area or, sometimes, the whole country, due to violations or other circumstances prescribed by law. Repeat voting is different from a second round in an election.

Supplementary Voter List: In some countries, a supplementary voter list is used on election day to register voters eligible to vote but not included in the voter list at a particular precinct. The supplementary voter list is sometimes also used for mobile voting. This is also sometimes referred to as an “additional voter list”.

Vote: A marked ballot paper expressing a voter’s choice. Where the choice of the voter is not clear, the ballot may be deemed invalid.

Voter: A person who is eligible to vote and who is on the voter register of the country where the election is being held. Sometimes also called an “elector”.

Voter List: An extract of the voter register, often in paper or printed format, specific to a certain polling station and including all voters eligible to vote at that particular polling station. The voter list will be available on election day at a polling station, and voters are usually required to countersign the voter list after having identified themselves and before receiving their ballot.

Voter Register: The register of all persons eligible to vote in a particular election. Sometimes also known as the “Register of Electors”.

Voting Room: The room in the polling station where voting takes place.

Annex D

OSCE/ODIHR Publications Related to Elections

Election Observation Handbook, Sixth edition, 2010

Handbook for Long-term Election Observers, 2007

Election Observation – a decade of monitoring elections: the people and the practice, 2005

Handbook for Monitoring Women’s Participation in Elections, 2004

Existing Commitments for Democratic Elections in OSCE participating States, 2003

Handbook for Domestic Election Observers, 2003

Guidelines to Assist National Minority Participation in the Electoral Process, 2001

Guidelines for Reviewing a Legal Framework for Elections, 2001

Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System, 2000

Forthcoming publications:

Guidelines for Reviewing a Legal Framework for Elections, updated 2010

Handbook on Observing National Minority Participation in Electoral Process, 2010

Handbook on Media Monitoring During Election Observation Missions, 2010

Handbook for the Observation of Voter Registration, 2010

Handbook for Monitoring Campaign Finance, 2011