

# **Handbook for European Union Election Observation Missions**

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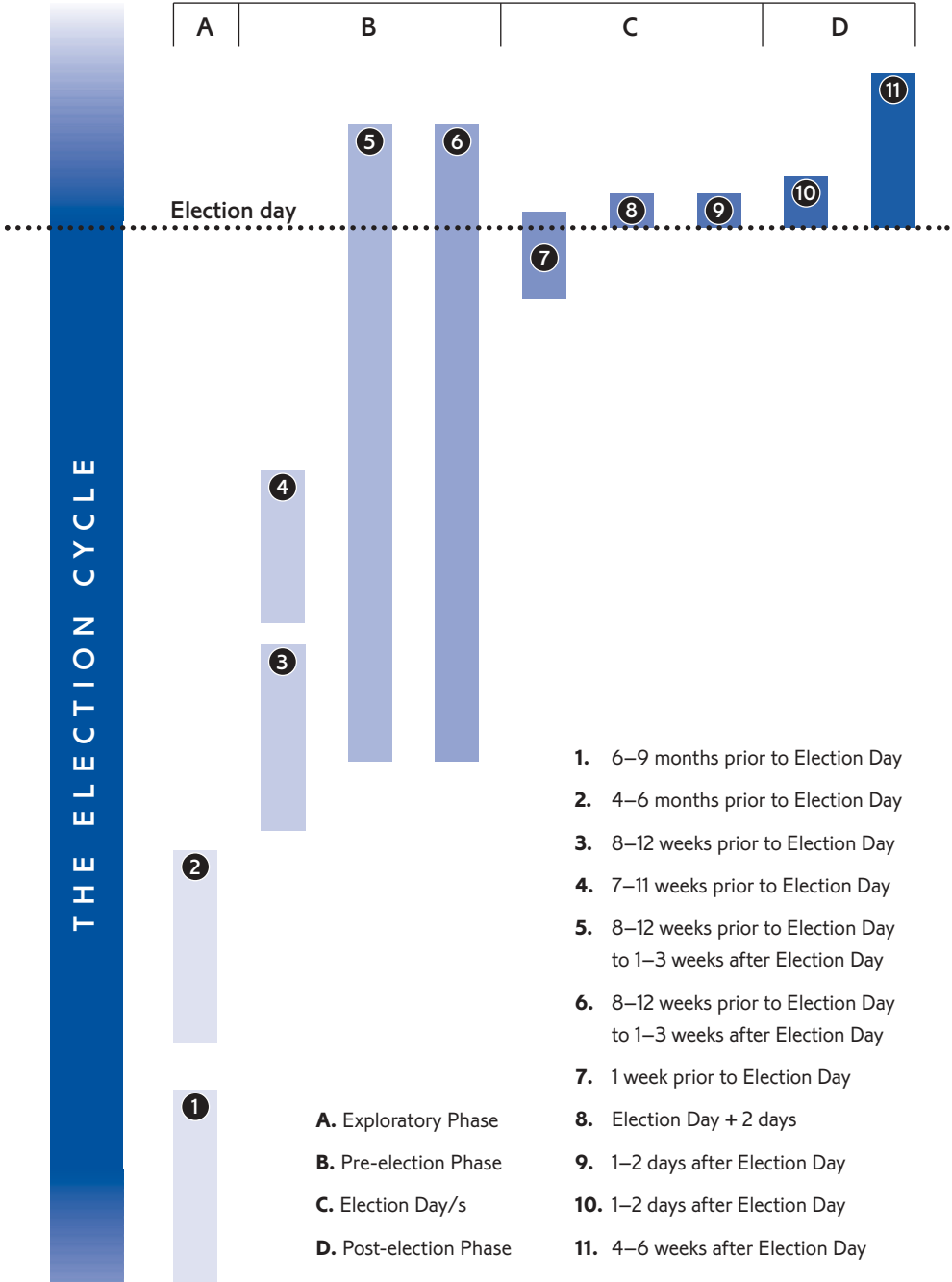
# Observation Cycle

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*Graphic presentation, see next page*



# THE ELECTION CYCLE



- A.** Exploratory Phase
- B.** Pre-election Phase
- C.** Election Day/s
- D.** Post-election Phase

1. 6-9 months prior to Election Day
2. 4-6 months prior to Election Day
3. 8-12 weeks prior to Election Day
4. 7-11 weeks prior to Election Day
5. 8-12 weeks prior to Election Day to 1-3 weeks after Election Day
6. 8-12 weeks prior to Election Day to 1-3 weeks after Election Day
7. 1 week prior to Election Day
8. Election Day + 2 days
9. 1-2 days after Election Day
10. 1-2 days after Election Day
11. 4-6 weeks after Election Day



## Preface

Genuine elections are an essential foundation for sustainable development and a functioning democracy. Support to election processes has become a key component of the European Union's external relations policy. It includes technical assistance to electoral authorities and to domestic non-partisan observers, as well as the deployment of EU Election Observation Missions. This Handbook focuses on the EU's observation activities.

EU Election Observation Missions serve to promote democracy and human rights in a spirit of co-operation with our partner countries. Deploying election observers is a way to support a democratic process and to assist partner countries in their objective to hold genuine elections. Observation missions have the ambitious task of observing and reporting on an election process, but also of enhancing the transparency of the process and the confidence of the voters. An observation mission can serve as a conflict prevention mechanism, providing an impartial assessment of the elections, defusing tension and by its very presence deterring fraud.

To meet these ambitious objectives, the EU has given itself additional tools and resources. The EU Election Observation policy has enjoyed greater consistency and coherence, following the Commission's Communication on Election Assistance and Observation of April 2000. Indeed, the European Parliament, the Council and the Commission now share a common approach to election observation and have clarified the role of each institution in this field. Focal contact points have been set up in the European Parliament and in the Commission, and observers from all EU Member States have been trained on the common European approach to election observation. This has enabled EU Election Observation Missions to develop in recent years into a much more credible, responsible and visible activity.

It is vital that the observation missions we deploy are not only genuinely independent and professional, but are also perceived to be so by local stakeholders. It is our duty to the authorities who invite us but also to the peoples of the countries observed. This is why the Commission has developed a sound and comprehensive methodology for observation, as detailed in this handbook. Elections are not a one-day event and a serious observation should cover all aspects

of the process. The aim is to ensure a consistency of approach and to avoid double standards.

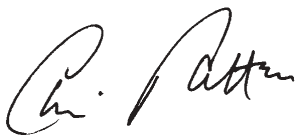
But the credibility of EU Election Observation lies first and foremost with its missions and the observers who carry them out. And I would like to seize this opportunity to express my gratitude to the Members of the European Parliament and other Chief Observers, who have taken on the leading role and responsibility on these missions. They have given to this activity their political skills, their understanding of election and of observation, and their time. I would also like to acknowledge here the dedication and hard work deployed by core staff members, Long-term and Short-term Observers, often in challenging circumstances.

European observers are indeed expected to discharge their duties in the most professional manner and with a full understanding of their role, rights and obligations as per the European Observer Code of Conduct. To this end, and based on EU policy documents in this field, the European Commission together with the Swedish International Development Cooperation Agency (Sida), and with the valuable contribution of a substantial group of experts, has produced this Election Observation Handbook.

This handbook is meant as a pedagogical tool and as a reference book, providing methodological guidelines and practical tips on the basis of accumulated experience. It is our hope that it will become an essential instrument to promote the EU's election observation policy.

Democracy is not just about elections, but genuine elections are a necessary condition for democracy. The EU will therefore continue to devote great efforts to promote genuine elections beyond its borders, in countries in transition towards established democracy.

Brussels, 1 October 2002

A handwritten signature in black ink, appearing to read 'Chris Patten', written in a cursive style.

Chris Patten  
Commissioner for External Relations

## Part I. Institutional and Legal Background

### 1. Introduction

The Handbook for EU Election Observation Missions is primarily intended as a practical field manual. It has been produced to assist EU election observers to undertake their duties consistently and effectively. While the Handbook has been written as a practitioner's guide, it will also be of broader interest for anyone wishing to acquire a greater understanding of the planning, deployment and implementation of a European Union Election Observation Mission (EUEOM).<sup>1</sup>

The Handbook is the culmination of much experience gained by the European Commission in recent years in the field of election observation. The Handbook emphasises that an election is more than a one-day event, and that election observation therefore requires a methodological assessment of the election process, and correspondingly a longer observer presence in-country.

This approach also reflects the collective experience of the international election observer community at large, as it relates to the best method of arriving at a consistent, comprehensive and authoritative statement on an election process. The methodology outlined in the Handbook has been particularly enriched by the experience of the Organization for Security and Co-operation in Europe (OSCE) and its election observation methodology, outlined in the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Handbook<sup>2</sup>.

The European Parliament Committee on Development and Cooperation's Opinion of 9 January 2001, in conjunction with the Session Document of 14 February 2001, stated "that there are inherent difficulties with the use of the words 'free and fair' as a verdict on an election, and that other criteria should be included before an election is declared as having been in accordance with democratic standards."<sup>3</sup> Similarly, the Handbook for EU Election Observation Missions does not employ the term "free and fair", which has often been used as a sound-bite for a narrow assessment of an election process. The Handbook emphasises the concept of

“genuine” elections, to underline the broad criteria that must be taken into account when judging whether an election is to be considered a meaningful reflection of the will of the electorate.

This Handbook is divided into two sections. *Part I* addresses *election observation as practised by the EU*, citing the institutional and legal background. It also reviews fundamental democratic principles contained in *universal and regional instruments*, and extrapolates for the benefit of an election observer how such principles may be practically implemented during the election process. *Part I* also addresses the regulatory framework for an election observation mission, covering both the *conditions for effective observation* required by the host country, and the *Code of Conduct* for EU observers.

*Part II* covers the operational phases of an EUEOM. These can be divided into four general categories: the *Exploratory Phase*, the *Pre-election Phase*, the *Election Day/s*, and the *Post-election Phase*. The *Exploratory Phase* focuses how Commission officials, in conjunction with election experts, assess the facts and conditions necessary to arrive at a recommendation on deployment of an EUEOM. The *Pre-election Phase* covers the establishment and implementation of an EUEOM, and those issues which are the focus of attention for the Core Team and Long-term Observers (LTOs) during the pre-election phase. The *Election Day/s* chapter is focused largely on the role of the Short-term Observers (STO) and the broad presence that they provide throughout the country, to assess the closing days of the campaign, the Election Day and the vote count. The *Post-election Phase* addresses the overall assessment of the observation mission, based on the collective findings of the Core Team, LTOs and STOs. It also addresses issues to be considered during the immediate post-election period and the closing down of an observation mission.

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1. Further information on European Commission election observation activities can be accessed on the following two websites:  
[http://www.europa.eu.int/comm/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/index.htm](http://www.europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/index.htm)  
[http://www.europa.eu.int/comm/europeaid/projects/eidhr/index\\_en.htm](http://www.europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm)
  2. [http://www.osce.org/odihr/documents/guidelines/election\\_handbook/eh\\_book.htm](http://www.osce.org/odihr/documents/guidelines/election_handbook/eh_book.htm)
  3. For further information concerning (COM (2000) 191 – C5-0259/2000-2137 (COS)), see the European Parliament website: <http://www.europarl.eu.int>

## 2. The Basis for Election Observation by the European Union

The expansion of election observation as an EU activity is directly related to the corresponding global trend toward democratisation in partner countries and the growing interest in making human rights an essential element of the EU's external policy. The EU has been present at numerous elections in the past decade, and EU Election Observation Missions (EUEOM) continue to grow in frequency.

### 2.1 Legal Instruments in Support of Democracy and Human Rights

The recent growth of activity aimed at encouraging and assisting the processes of democratic transformation is grounded in the *Treaty on European Union (TEU)*<sup>1</sup> which promotes support for democratic values and human rights. Article 5 states a commitment to “develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.” As noted in the *Communication from the Commission on EU Election Assistance and Observation*, “Article 6 clearly states that the principles of liberty, democracy, respect for human rights and the rule of law are fundamental European values.” Similarly, a major objective of Development Co-operation Policy set out under Title II of the Treaty is to “contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms”.<sup>2</sup>

The *EU Charter of Fundamental Rights* emphasises that “the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. Furthermore, the Commission Communication on the *EU's Role in Promoting Human Rights and Democratisation in Third Countries (May 2001)* noted that “the Commission's action in the field of external relations will be guided by the rights and principles contained in the *EU Charter of Fundamental Rights*.”<sup>3</sup>

Since the early 1990s, a “human rights clause” is included in all agreements with third countries as an essential element of these agreements.

In particular, the *Cotonou Agreement*<sup>4</sup> signed in 2000 between the ACP<sup>5</sup> and the EU places a strong emphasis on democracy, good governance and respect for human rights. It clearly recognises the inter-relationship between development, democracy and civil society, and advances further on the previous Lomé process in strengthening the political dimensions of the partnership. Article 9 states: “Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.”

Democracy is therefore placed at the centre of relations between the EU and its partners, since the consolidation of democratic institutions and human rights is a joint value and a common interest agreed formally by all parties.

The European Commission in its Communication of May 2001 entitled *The European Union’s Role in Promoting Human Rights and Democratisation in Third Countries*<sup>6</sup>, states that “the promotion of genuine democracy and respect for human rights is not only a moral imperative; it is also the determining factor in building sustainable human development and lasting peace”.

The *European Initiative for Democracy and Human Rights Programming Document 2002–2004*<sup>7</sup> describes the priorities and modalities for programming the European Initiative for Human Rights and Democracy; it contains a specific Annex 3, which relates to election support and EUEOMs.

## 2.2 Co-operation Among European Institutions

*The Commission’s Communication on EU Election Assistance and Observation* adopted in 2000<sup>8</sup> underlines the EU’s growing role in election observation as follows: 1) “election observation is an area of increasing EC support, due to the central importance of elections to the democratisation process”; 2) while “elections do not equate to democracy, they are an essential step in the democratisation process and an important element in the full enjoyment of a wide range of human rights”. Moreover, the Communication advocates a new approach to this activity, including a more consistent long-term observation methodology and enhanced coherence in the involvement of all relevant EU institutions.

The new approach proposed in the Commission’s Communication was endorsed by the Council in its Conclusions of 31 May 2001<sup>9</sup> and by the European Parliament in its Resolution on 14 March 2001<sup>10</sup>. The *European Commission, the Council* and the *European Parliament* thus expressed their common interest in the further development of EU election observation as a consistent and professional undertaking in support of meaningful democratic election processes.



The European Commission plays a pivotal role in this field, as it has been agreed that EUEOMs should be funded from the EC budget, under Community procedures.<sup>11</sup> In view of the highly political nature of election observation, the Commission, nonetheless, maintains a close dialogue with the Council and European Parliament on the planning and implementation of election observation missions. This is necessary to ensure their support in the deployment of such missions, and also to ensure that the Union's external actions are consistent. Moreover, as the EU should speak with one voice on an election process, close co-ordination is required in the field between the EUEOMs and possible EP Delegations sent for the elections or bilateral observers sent by EU Member States.

Consultations with Member States take place regularly during the meetings of the Council's Human Rights Working Group (COHOM) and in the framework of the relevant Council Geographic Working Groups. Moreover, election observation missions costing more than one million euro must receive prior approval from the Human Rights Committee. This Committee, composed of Member States representatives and chaired by the Commission, is responsible for the management of projects in the Human Rights field under the legal basis of Regulations 975/99 and 976/99, including EUEOMs.

As recommended by the Communication, the Commission and European Parliament have each created a focal point for election observation. For the Commission, this consists of an Election Desk within the Human Rights and Democratization Unit in the External Relations Directorate in charge of programming, and an Elections Desk in the Democracy and Human Rights Unit in EuropeAid Cooperation office, in charge of project identification and implementation in this field. For the European Parliament, an Election Co-ordination Group was established at the end of 2001, regrouping members of the relevant committees and geographic delegations, under the chairmanship of the President of the Foreign Affairs Committee.

The European Parliament, as the elected parliamentary body of the EU, has a prominent role in electoral observation, given its democratic legitimacy and specific expertise, and thus contributes to raising the political profile of EUEOMs. Whenever possible, the Chief Observer of the EUEOM is a Member of the European Parliament.

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1. Further information is available at <http://www.europa.eu.int/en/record/mt/top.html>

2. Further information on the Treaty of the European Union and amendments are available at [http://europa.eu.int/abc/treaties\\_en.htm](http://europa.eu.int/abc/treaties_en.htm)

3. [http://europa.eu.int/comm/external\\_relations/human\\_rights/intro/index.htm](http://europa.eu.int/comm/external_relations/human_rights/intro/index.htm)

4. Human rights clauses have become a general pattern in agreements with third countries. For further information concerning the Cotonou Agreement, see [http://www.europa.eu.int/comm/development/cotonou/index\\_en.htm](http://www.europa.eu.int/comm/development/cotonou/index_en.htm)

5. African, Caribbean and Pacific Group of States

6. For further information, see:

[http://www.europa.eu.int/comm/external\\_relations/human\\_rights/doc/index.htm](http://www.europa.eu.int/comm/external_relations/human_rights/doc/index.htm)

7. Further information is available at: [http://www.europa.eu.int/comm/external\\_relations/human\\_rights/doc/eidhr02\\_04.htm](http://www.europa.eu.int/comm/external_relations/human_rights/doc/eidhr02_04.htm)

8. Communication from the Commission on EU Election Assistance and Observation (2002) 191 final

[http://www.europa.eu.int/comm/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/index.htm](http://www.europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/index.htm)

9. For further information, see the Council of the Europe website: <http://www.coe.int>

10. For further information, see the European Parliament website is: [www.europarl.eu.int](http://www.europarl.eu.int)

11. Within the EU, policy-making takes place in three pillars: Pillar I – European Community; Pillar II – Common Foreign and Security Policy; Pillar III – Justice and Home Affairs.

### **3. Elections in the Context of Human Rights Treaties – Universal and Regional Instruments**

The Universal Declaration of Human Rights<sup>1</sup>, adopted unanimously by the United Nations General Assembly in 1948, recognises the integral role that transparent and open elections play in ensuring the fundamental and universal right to democratic participatory and representative government. The role that periodic, free and genuine elections play in ensuring respect for political rights is also enshrined in the International Covenant on Civil and Political Rights<sup>2</sup>, the European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>3</sup>, the Charter of Fundamental Rights of the European Union<sup>4</sup>, the American Convention on Human Rights<sup>5</sup>, the African Charter on Human and People's Rights<sup>6</sup>, and in the Copenhagen Document (1990) of the Organization for Security and Co-operation in Europe<sup>7</sup>.

#### **The Universal Declaration of Human Rights, Article 21**

- 1. Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives.*
- 2. Everyone has the right of equal access to public service in his country.*
- 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.*

Although Article 21 sets out the basic premise for election rights, these were further developed in Article 25 of the 1966 Covenant on Civil and Political Rights, which identifies elections as a central component of participatory government and defines a number of minimal election-related elements necessary to guarantee participation:

## **Covenant on Civil and Political Rights, Article 25**

*Every citizen shall have the right and the opportunity...*

- a) *to take part in the conduct of public affairs, directly or through freely chosen representatives*
- b) *to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expressions of the will of the electors*
- c) *to have access, on general terms of equality, to public service in his country.*

This provision formulates a right and an opportunity of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives. The necessary elements of an election are established in general terms. The concept of an electoral cycle, and therefore the continuous right to participate in the conduct of public affairs, is clearly introduced through reference to periodic elections.

However, such a formal provision might be of little use in terms of practical application and substantive impact, were it not for the political and campaign rights that are essential for a meaningful election process. The right of political participation presupposes adherence to fundamental human rights, such as freedom of expression, movement, peaceful assembly and association.

## **Covenant on Civil and Political Rights, Articles 19, 21 and 22 are particularly relevant, Article 19**

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
  - (a) *for respect of the rights or reputations of others;*
  - (b) *for the protection of national security or of public order, or of public health or morals.*

**Article 21**

*The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protections of the rights and freedoms of others.*

**Article 22**

- 1 *Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*
- 2 *No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protections of the rights and freedoms of others...*

- 
1. <http://www.un.org/Overview/rights.html>
  2. [http://www.un.org/Depts/Treaty/final/ts2/newfiles/part\\_boo/iv\\_boo/iv\\_4.html](http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_4.html)
  3. <http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm>
  4. [http://europa.eu.int/comm/justice\\_home/unit/charte/index\\_en.html](http://europa.eu.int/comm/justice_home/unit/charte/index_en.html)
  5. <http://www.cidh.oas.org/Basicos/basic3.htm>
  - 6 <http://www.africa-union.org>
  7. <http://www.osce.org/docs/english/1990-1999/hd/cope90e.htm>

## 4. Translating Human Rights Instruments into the Democratic Process

A meaningful and genuine election process pre-supposes respect for and adherence to universal and regional agreements as cited above. While universal and regional instruments do exist on paper, election observation missions can determine whether or not the host government is either willing or able to uphold such agreements. The following eight principles are enshrined in the *Universal Declaration on Human Rights* and the *Covenant on Civil and Political Rights*. Their *practical application* for the democratic process is extrapolated below, for the benefit of the observer.<sup>1</sup>

• **Periodic elections.** Periodicity requires a recurring election cycle. Observers should note whether the legal and/or constitutional provisions reflect:

- the obligation of periodic elections,
- the procedures for calling an election, and
- the provisions for an adequate and responsive election administration framework.

• **Genuine elections.** The term ‘genuine election’ refers to the overall environment in which elections take place. For example, whether:

- the legislative procedures for establishing “ground rules” are transparent and inclusive,
- the election administration is independent, impartial, transparent and accountable,
- rights to freedom of expression, association, movement and assembly are upheld,
- a timely judicial review and accessible dispute resolution mechanisms are guaranteed,
- rules on campaign financing grant all with reasonable access to campaign funds,
- equal access to the media permits all parties /candidates to convey their message, and

- security forces do not place undue restrictions on certain parties/candidates.

In addition, the presence of observers both domestic and international, can enhance the process. Therefore, one should look whether:

- domestic observers are permitted to organise and observe the entire election process, and
- international observers are invited in sufficient time to observe the election process.

• **The right to stand for election.** The right to be elected does not mean that all citizens would have a subjective right to become a member of an elected body. Rather, it means that all citizens that qualify under the provisions of the law should have not only the right but also the opportunity to stand as a candidate. Relevant issues for observers include:

- the nomination procedures for candidates,
- the registration procedures for candidates, both independent and party affiliated,
- the right to equal opportunity regardless of gender, race, or national minority (where applicable), and
- the identification of any unreasonable restrictions.

• **Universal suffrage.** The principle of universality is understood to ensure access to an effective, impartial and non-discriminatory registration procedure for all voters. While the right is limited to every citizen of the state, with some reasonable restrictions *such as a minimum voting age*, it is unreasonable to impose restrictions based on gender, religion, ethnic origin, party affiliation (past and present), language, literacy, property requirements, registration fee and/or physical disability.

However, the focus on “every citizen” could justify the exclusion of a substantial number of linguistic and/or ethnic minorities that may reside permanently in a given country without citizenship status. When efforts are undertaken to enfranchise such a potential category of persons, this will improve the credibility of the election process. Relevant issues for observers may include:

- the voter registration process/Voters’ Register,
- the issuance of voter identification documentation/Voter I.D.,
- the citizenship process/Citizenship Law,
- the protection of equal rights regardless of gender, race, religion, national minority,
- the identification of issues pertaining to permanent residents with non-citizenship status, and
- the identification of unreasonable restrictions.

• **Right to vote.** This element of elections primarily deals with issues that arise on the Election Day at the polling station. However, pre-election voter education and registration campaigns are necessary to ensure the effective exercise of voting rights on Election Day by an informed electorate. Differing from the right to stand as a candidate, applying specifically to elections, universal suffrage through genuine elections is also applicable to a referendum. The right to vote is an individual right of everyone, defined on the basis of the Voters' Register. In this respect, positive measures may be needed in respect of handicapped and illiterate persons, and also national minorities. Relevant issues for observers include:

- the right to an effective and timely voter education/registration campaign,
- the right to each voter's convenient access to the polling station, and
- the right to have his or her vote being counted in the appropriate manner.

• **Equal suffrage.** The element of equal suffrage can in principle be translated into the formula "one person, one vote". This means that each voter who is found on the Voters' Register can cast their vote according to an identical procedure, and that all votes are given equal weight. Under the majority voting system it is required that the size of the electorate among constituencies should not vary by more than approximately ten percent. Under the proportional voting system the size of the electorate may vary, but the number of representatives for each district should generally be proportional to the size of the electorate. Relevant issues for observers include:

- the right to the equivalent weighting of votes,
- the right to the establishment of equivalent election boundaries,
- the right to receive one (set) and only one (set) of ballot paper/s for each election, and
- the right to a secure ballot design and distribution process.

• **Secret vote.** The element of the secret vote means that each voter should be able to cast his or her vote in the privacy of the polling booth. This is important with a view to the possibility of a voter to freely express his or her choice concerning the candidates or parties. Voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they have voted, and from any unlawful or arbitrary interference with the voting process. Relevant issues for observers include:

- the right of each voter to cast his or her vote alone,
- the right of each voter to vote in a secure and private polling booth,
- the right of each voter to personally and privately deposit the ballot paper in the ballot box, and
- the right of each voter to vote free of intimidation or coercion and with a free choice.



• **Free expression of the will of the voters.** This principle requires that votes are counted and aggregated in a manner that reflects the genuine will of the voters, that those elected are duly installed into office, and that those elected recognise their accountability to the electorate. In order for the free expression of the voters to be regularly consulted, periodic elections are guaranteed to take account of the changing will of the voters. Relevant issues for observers include:

- the right to the correct transmission of votes during the count, aggregation and verification,
- the right to an effective and timely complaints and review process,
- the right for the majority candidate/party, or the correct order of candidates on a proportional party list, to be duly installed into office, and
- the right to periodic elections to take account of the changing will of the people.

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1. Election Elements: On the International Standards of Electoral Participation, Institute for Human Rights, Åbo Akademi University, Finland, 2002.

## 5. Regulatory Framework for Election Observation

Existing international legal instruments do not contain provisions governing the international observation of elections. Due to the lack of any precise juridical framework for election observation, there has been a need to develop a regulatory framework for observation missions based on a body of practice and norms.

In recent years, a *practical regulatory framework* has emerged based upon *the minimum conditions for effective observation* and the observer *Code of Conduct*. For its part, the host government must give a sufficient commitment that it will abide by the minimal conditions for effective observation. For their part, international observers must abide by an observer Code of Conduct.

Due to the fact that election observation is an activity not codified under international law, an *invitation* from the host government to the observer organisation is important. This is the basis for an officially defined relationship between the host government and the EUEOM, and the basis upon which all observer rights can be extrapolated.

Furthermore, it is essential that the presence of international observers is subject to a formal *accreditation procedure*. This confers and guarantees a status on the observer of having responded to an official governmental invitation. Such a procedure helps to define the rights of the holder of the accreditation, and requires the adoption by the host government of adequate measures.

### 5.1 Conditions for Effective Observation

In order for an EUEOM to undertake and complete its task effectively, it needs assurances from the host government that an objective assessment of the election process will be possible. This requires a satisfactory level of *co-operation* between the EU and the host government, ensuring access to *information deemed pertinent* by the EU observation mission. It is imperative that no obstacles are presented that could compromise the observation mission, its methodology or its overall integrity. In the event that an EUEOM faces obstacles that could compromise the integ-

urity of the observation mission, a political decision would need to be taken as to whether or not to continue with the mission.

According to *Council Decision 9262/98*<sup>1</sup>, accredited EU election observers should be entitled to:

- visit any polling station under the direction of the supervising officers of the mission to observe voting and counting;
- meet with members of election commissions, MPs, candidates or their proxies, voters and representatives of civil society in order to gather information;
- ask questions about the voting and counting process to members of electoral commissions and to superior electoral commissions, but an observer does not have the right to countermand the decisions of election officials.

Furthermore, the Council Decision sets out these *pre-conditions for the work of observers* (Please note that while the Council decision employs the word monitor, it is intended to denote the standard observation and reporting role of an EU election observer, and is not intended to imply a more pro-active or interventionist role that the word monitor could infer.):

- The EU has been formally requested to monitor (*i.e. observe*) the election by the recognised government of the host country;
- The involvement of EU observers is supported by all the main contesting political parties or candidates;
- The EU has previously been monitoring political developments in the host country for a period of time and has the political capacity to assess developments through EU Heads of Mission (HOMs);
- There is enough lead time for the leaders of any EU monitoring (*i.e. observation*) team to be in place sufficiently in advance, in order to monitor (*i.e. observe*) the political and judicial environment and take part as appropriate in preparatory work prior to the election campaign itself.

The following is an elaboration of the practical *rights* that need to be engaged by the EUEOM:

- *Observer accreditation should be given according to a clearly defined and non-discriminatory procedure.* Any discrimination by the host government according to nationality, race, gender, political affiliation, or any other discriminatory criteria should not be acceptable;
- The EU should be permitted to *determine its own needs for a viable and credible observation mission*, on a case-by-case basis, including its size in numbers, its composition and timeframe for deployment;

- *The mission should have unimpeded access to all levels of the election administration.* Observers should have access to election commissions at central, intermediate and polling station level before, during and after the Election Day/s;
- *The mission should be able to meet with officials from any ministry or public office with relevance for the election process.* State ministries and relevant public authorities often play a large role in organising or overseeing aspects of the election, in conjunction with the election administration;
- *The mission should be able to meet with all political forces.* The observation mission needs full and random access on an ongoing basis, to all political forces in the country, whether they are actually participating in the given election or not;
- *The mission should have unhindered access to the media.* This includes the ability to meet with representatives of the media, both for informational purposes and to send out any message that the EUEOM may wish to convey to the public;
- *The mission should be able to meet with civil society representatives and voters at random.* Observers need the right to meet with civil society representatives on a random basis, as well as with members of the electorate at large;
- *The mission should have access to any special voting procedures.* Observers need to have access to any special voting procedures, such as mobile ballot boxes, voting in prisons, military voting, etc. These are provisions that may be more open to abuse, therefore potentially jeopardising confidence in the entire process, but observation of these special procedures may require specific arrangements with the host government.

### 5.1.1 Memorandum of Understanding

The criteria contained in the above list on minimum conditions for effective election observation should be clearly reflected in a formal agreement with the host country such as a Memorandum of Understanding (MoU) or an exchange of letters, in the event that the invitation to observe does not establish sufficient parameters to ensure the integrity of the EUEOM. A specific MoU should be established on the basis of an ex-ante evaluation of the particular situation in the country concerned. It should include all of the above, as well as guidance to observers allowing sufficient flexibility in the particular country to deal with unforeseen circumstances.

## 5.2 Code of Conduct

Just as an Observation Mission expects assurances from the host government to abide by conditions for *effective observation*, so the observation mission should reassure the host government that its observers will conduct themselves impartially according to an observer Code of Conduct. The observer Code of Conduct under-

lines the key principles that an international observer should abide by, including *impartiality, objectivity, non-interference* and a *commitment* to the overall objective of the observation mission. While observers should not overstep their mandate, the mandate should include the key principles that represent minimal conditions for effective election observation.

*All observers are required to sign a contract, which includes their consent and agreement to abide by the Code of Conduct.* The following guidelines apply at all times to nationals of any country participating in an EUEOM, decided by the EU unless specifically agreed otherwise. The guidelines will not apply to EU nationals participating in e.g. OSCE or UN missions, in which case those organisations' own codes will apply.

In line with the provisions of Council Decision 9262/98, all official EU observers must adhere to, and are obliged to follow, these guidelines:

- Observers will respect the laws of the land. Observers enjoy no special immunities as international observers, unless the host country so provides;
- Observers will participate in all pre-election briefings with their supervising officers;
- Observers will be subject to the direction and management of the observer team leadership, carrying out their written terms of reference and covering the geographical schedules specified by team leaders;
- Observers should be aware of the presence of other electoral monitoring (*i.e. observation*) teams, and liaise with them under the direction of the leader of the EU observer team;
- Observers will carry with them prescribed identification issued by the host government or Election Commission, and will identify themselves to any interested authority upon request;
- Observers shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process;
- Observers will not display or wear any partisan symbols, colours or banners;
- Observers will undertake their duties in an unobtrusive manner, and will not disrupt or interfere with the election process, polling day procedures, or the vote count;
- Observers may bring irregularities to the attention of the election officials, but will not give instructions or countermand decisions of the election officials;
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and will keep a record of the polling stations and other relevant places that they visit;

- Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, but should provide, through a designated liaison officer or spokesperson, general information about the nature of their activities as observers;
- Observers will participate in post-election de-briefings with their supervising officers and will contribute fully towards appropriate EU reports on the elections monitored (i.e. observed);
- Observers must comply with all national laws and regulations. Where these limit freedom of assembly or movement about the country, they must note where such rules prevent them from carrying out their duties;
- At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgement, and observe the highest level of personal discretion.

### 5.2.1 *Violations to the Code of Conduct*

The Code of Conduct should *protect the integrity* of the observation mission and the host government from partial, unobjective and intrusive behaviour. All observers will comply with any evaluation of their role and conduct during the mission. If there is a concern that an observer may have violated the Code of Conduct, the Chief Observer (CO) will initiate an immediate enquiry into the matter, and will consult the relevant authorities whenever necessary. Any serious violation of the Code of Conduct would require that the observer in question has his/her accreditation withdrawn, and be repatriated immediately to his or her country. However, it is ultimately the decision of the CO to determine if a breach of the Code of Conduct occurred, and to determine the appropriate course of action.

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1. In June 1998 the Council adopted “Guidelines – EU Policy on Electoral Observation”. For further information, see the Council of the European Union website: <http://ue.eu.int/index.htm>

## **6. Methodological Outline for an EU Election Observation Mission – “A Common European Approach”**

The Commission Communication on Electoral Assistance and Observation states that the main objectives of election observation are:

- to legitimise an electoral process, *where appropriate*,
- to enhance public confidence in the electoral process,
- to deter fraud,
- to strengthen respect for human rights, and
- to contribute to resolution of conflict.

This is a comprehensive set of objectives which requires a comprehensive methodology. The challenge for EU election observation, therefore, has been to develop a long-term election observation methodology, which covers all phases of the election cycle: pre-election, Election Day/s, and immediate post-election. The staged deployment of a Core Team, LTOs and STOs should permit an in-depth analysis and thorough assessment of the entire election process: the legislative framework, the administrative preparations, the election campaign and related human rights issues. It also covers voting, counting procedures and the aggregation of results.

## Methodological outline

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- Maintenance of a rolling calendar of upcoming elections
- Launching of an Exploratory Mission, and based upon its findings, a decision whether to deploy an EUEOM or not
- Deployment of an EUEOM
- Arrival of Core Team and establishment of Mission
- Presentation of EUEOM to EU Heads of Mission (HoM) and international community
- Presentation of EUEOM to key political and electoral players and media (and Statement)
- EOM observation of election process
- Arrival, briefing and deployment of LTOs
- LTO activities in region and observation of process
- Preparations for STOs and arrival of STOs
- National briefing and deployment of STOs/regional briefing and deployment of STOs
- Observation of Election Day voting and counting and district/regional/central aggregation of results
- Observation reporting and analysis
- De-briefing of observers – national and/or regional
- Preliminary statement issued by Chief Observer
- STOs leaving country
- Observation of post-election environment
- Mission departure
- EOM Final Report, including recommendations for possible improvements in the election process and further EU support
- Evaluation of the EUEOM – “lessons learnt” for future observation missions



## **7. The Pre-exploratory Mission**

*The European Initiative for Democracy and Human Rights (EIDHR)*<sup>1</sup> is the specific EC budget for promoting democracy and human rights in third countries, predominantly via NGOs and international organisations. Its use does not require formal approval from the authorities of partner countries and is therefore a particularly suitable instrument to fund EU Election Observation Missions. Indeed, the financing of EUEOMs, as well as the project design, should not be affected by external influences, and EIDHR-funded missions can maintain absolute independence from the national authorities of the host country.

While election observation programming is within the framework of the EIDHR programming, it has a distinct character within the Initiative, as described below.

An EUEOM is per se a statement of special political interest, and therefore only a limited number of election processes should be observed by the EU each year. The necessity to select a given number of countries for observation is also dictated by the limited financial and human resources available to conduct long-term and professional observation missions. The fact that the EU does not send an observation mission to follow a specific election should not be interpreted as a lack of interest in the conduct or in the outcome of that election.

The calendar of elections that determines which election processes are of priority interest for potential EU election observation is assembled following discussions with the Council Geographical Working Groups and the European Parliament, on the basis of a draft list of priorities prepared by the Commission.

Approximately eight priority countries can be included in the tentative calendar for election observation each year. An order of priority is defined but switching priorities is allowed if circumstances change.

Criteria to be considered include:

- political significance and relevance of EU presence, as global, impartial player;
- whether minimum conditions for competitive elections exist, even if the election process is characterised by a lack of confidence;
- if the country is a “focus country” selected to receive specific support under the EIDHR, since this – together with complementary funding from the main co-operation programmes – will permit sustainable follow-up of the EUEOM recommendations;
- complementarity, particularly with regard to the role and activities of other international organisations and actors. It should be considered whether there is a specific added value in deploying observers from the European Union;
- the value of constructive engagement, for example: in post-conflict situations; or/and where election observation has been requested from a significant portion of the political spectrum and civil society; or/and where the government concerned shows willingness to engage in a constructive dialogue.

The final decision to observe an election is taken after an Exploratory Mission has been deployed to collect factual elements to assess whether an EUEOM would be advisable, useful and feasible.<sup>2</sup>

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1. Further information is available at: [http://www.europa.eu.int/comm/external\\_relations/human\\_rights/doc/eidhr02\\_04.htm](http://www.europa.eu.int/comm/external_relations/human_rights/doc/eidhr02_04.htm)

2. According to criteria laid out in Council Decision 9262/98 and Commission Communication COM (2000).

## 8. The Exploratory Mission

Once the EU has established an interest in observing a particular election, an Exploratory Mission (ExM) should be initiated. An ExM is undertaken prior to any commitment to observe an election process. The ExM will assess to what extent an EUEOM is *useful, advisable and feasible*, in terms of:

- whether the election environment is conducive to respect of fundamental human rights;
- whether the electoral legal and administrative framework reflects the relevant universal and regional obligations;
- whether the minimum conditions for democratic elections are present, in terms of legislative framework, freedoms for participation and campaigning, levels of voter registration etc;
- what contribution an EUEOM can make to the process;
- the interest of the host government to receive an EUEOM;
- whether the above conditions can be met in a manner that provides a safe environment for EU observers.

With regard to universal obligations, the *Commission Communication* based on the Council Decision nr. 9262/98<sup>1</sup> lists a number of pre-conditions to determine EU observation:

- franchise is genuinely universal;
- political parties and individual candidates are able to enjoy their legitimate right to take part in the election;
- there is freedom of expression allowing possible criticism of the incumbent government and the right to free movement and assembly;
- all contesting parties and candidates have reasonable access to the media.

### 8.1 Composition and Preparation of the ExM

In order for the ExM to undertake its assessment effectively, it should ideally be conducted several months before the actual or planned election date. The composition of the ExM will vary, but will generally comprise EC officials, as well as an

Election Expert and a Logistician recruited by the Commission. EU Member States are also invited to send election experts to participate in these missions.

ExM members should be familiar with any previous observation reports and recent assessments of the political, human rights and electoral situation in the given country, as well as any relevant document on relations between the host country and the EU (Country Strategy Paper for instance). Participants should have relevant legislation (notably the Election Law and Constitution) and additional regulations determining election administrative procedures if available.

## 8.2 Programme of the ExM

The ExM will meet with the electoral authorities, the government, political forces, civil society, media representatives as well as representatives of EU Member States and relevant international organisations. The ExM will use these meetings to gather information on the process, and to identify key issues that are likely to characterise the election process.

In some instances, where it is clear from the ExM that a meaningful, open and democratic process cannot be assured, or that the minimum conditions for an effective observation are not prevalent, the ExM may recommend that no observation mission is undertaken.

The ExM should assess all relevant factors necessary to deliver a credible EUEOM, including the key elements to be observed, the structure of the Core Team, the number of Long-term and Short-term Observers which will be necessary and the timing of their deployment, as well as establishing accreditation procedures. In this context, the ExM should include a full logistical analysis of the country, examining the infrastructural, travel and communications situation and budgetary estimates. An assessment of the security situation should also be undertaken.

Finally, an ExM should determine whether or not an invitation to observe was issued or is likely to be forthcoming from the host government. In this regard, *Council Decision 9262/98* makes clear that prior to deployment the EU must be satisfied that it will have:

- clearly stated objectives, written and agreed with the host country well in advance;
- freedom of access to all political parties, candidates and election officials;
- freedom of access to all polls and counting centres at all times;
- freedom of movement throughout the country, without prior permission or notification, except where genuine security concerns prohibit this;
- all necessary information about the electoral process;
- no reason to doubt their own safety.

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1. Further information is available at: [http://www.europa.eu.int/comm/external\\_relations/human\\_rights/doc/eidhr02\\_04.htm](http://www.europa.eu.int/comm/external_relations/human_rights/doc/eidhr02_04.htm)

## **9. Establishment of an EU Election Observation Mission**

The EU Election Observation Mission will be led by a Chief Observer (CO) who will be supported throughout all the phases of the mission by a Deputy Chief Observer (DCO) and a Core Team. Long-term Observers (LTOs) will also be deployed shortly after the arrival in the country of the CO, DCO and Core Team. All members of the EUEOM will be required to abide by the EU Code of Conduct for election observers.

Once an office has been established and the Core Team is in place, a press release will be issued in-country to announce that the mission is operational. The press release should outline the structure and tasks of the election observation mission. In addition to the role of the Core Team and LTOs, it should also explain that a larger delegation of Short-term Observers (STOs) will arrive just prior to Election Day/s to provide a broad coverage of polling stations and counting centres throughout the country. The press release is translated into the local language/s and given to the LTOs, in case the media in their region of deployment request information.

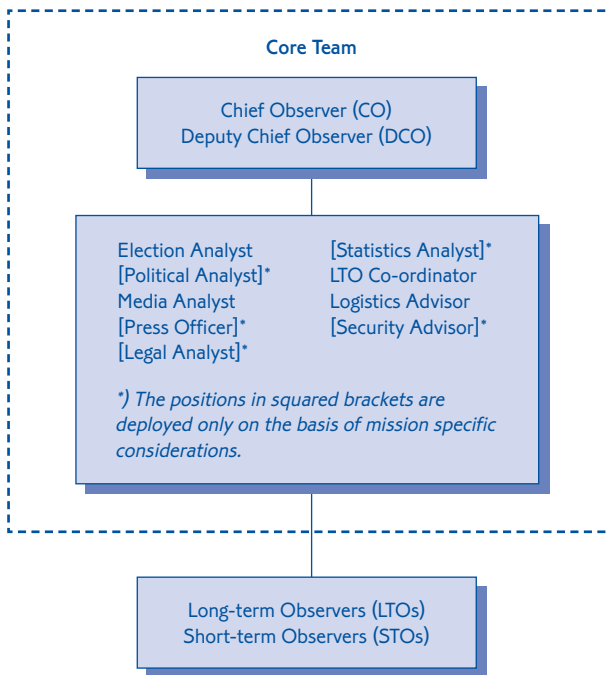
Once the CO, DCO and Core Team are in place, weekly field reports will be produced. The DCO will be responsible for ensuring contributions from the relevant Core Team members and oversee the weekly reporting process. Likewise, the LTO Co-ordinator will be tasked with ensuring relevant contributions to weekly reports from LTO reports. The CO will have final responsibility for such reports.

## Model EUEOM Weekly Report

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- Executive Summary
- The Political Environment and the Election Campaign
- The Media, including Media Monitoring
- Legal Framework
- Election Administration

### 9.1 Mission Structure



### 9.2 Mission Member Roles

The CO will have an overall responsibility for the EUEOM. Along with the assistance of a DCO, he/she will be responsible for the implementation of the election observation mission. In the absence of the CO, the DCO will deputise for the CO.

The Core Team works under the CO and DCO. The Core Team will normally include the following functions:

- Election Analyst,
- Political Analyst (if required),
- Media Analyst,
- Legal Analyst (if required),
- Statistics Analyst (if required),
- LTO Co-ordinator,
- Logistics Advisor,
- Security Advisor (if required), and
- Press Officer (if required).

It should be noted that more than one of the above functions may be allocated to a single individual.

### *Chief Observer*

Whenever possible the Chief Observer will be a member of the European Parliament. The CO should ideally be present in-country for most if not all of the observation mission. The CO should certainly be in-country for the start up of the mission, and over the Election Day/s. If it is not possible for the CO to remain in-country throughout the duration of the mission, he/she should make regular visits. However, regardless of the amount of time actually spent in-country, the CO has the overall responsibility for an EUEOM, and if not in-country should remain in regular contact with the DCO. The main tasks of the CO are to:

- be the spokesperson of the EUEOM;
- prepare and finalise the statement on the conduct of the election in co-ordination with the EUEOM team;
- participate in the briefings and de-briefings of observers;
- meet with the Election Commission, relevant members of the government and political party and NGO representatives;
- liaise closely with representatives of the international community and resident diplomatic representatives present in the country;
- be fully familiar with all aspects of the electoral process;
- participate in the establishment of the EUEOM analytical framework and analysis of observer reports;
- present the EUEOM findings;
- have an overall responsibility for the Final Report.

***Deputy Chief Observer***

The Deputy Chief Observer should be fully familiar with all aspects of an EUEOM and be able to deputise for the CO during his/her period of absence from the mission. When the CO is not in-country, the DCO will keep the CO regularly updated. This role is the key co-ordinating role in all aspects of the mission. The main tasks of the DCO are to:

- establish the analytical framework, becoming fully familiar with all aspects of the electoral process;
- prepare the framework for the work of the Core Team experts and LTOs;
- oversee the recruitment of local staff, in co-ordination with the Logistics Advisor;
- meet regularly with the Election Commission, the political party leaders, NGOs and representatives of the international community, in-coordination and with mutual updating of other EUEOM members on developments in the process;
- maintain a political analysis of the election;
- prepare the regular weekly EUEOM reports on the process;
- ensure full co-ordination of the EUEOM in accordance with mission requirements;
- take responsibility for the preparations for LTOs and STOs;
- take overall responsibility for the deployment plan;
- prepare material for the finalisation of the EUEOM preliminary statement;
- deal with media enquiries in the absence of the CO;
- support the CO in the preparation of the Final Report;
- propose a calendar for closing down the mission.

***Election Analyst***

The Election Analyst is primarily responsible for analysing the work of the election administration and liaising with the electoral bodies. The main responsibilities of the Election Analyst are to:

- be fully familiar with the legal and regulatory framework of the election;
- support the DCO in development of the analytical framework of the EUEOM, including an analysis of the key elements of the legislative framework;
- follow complaints and appeals (in co-ordination with the Legal Analyst where appropriate);
- establish regular contacts with the election administration at all levels;
- follow campaign issues;
- prepare briefings and materials for EUEOM reports.



***Political Analyst***

The Political Analyst will be the main source for the collection and analysis of information on the political content of the election. Main tasks include:

- developing a full understanding of the political environment and main political actors;
- establishing and maintaining close contacts with political parties and candidates;
- providing regular analytical overviews of political developments, and contributing to political briefing for STOs and EUEOM reports;
- following campaign issues.

***Legal Analyst***

The Legal Analyst will require a thorough understanding of the relevant legislation in order to act as a key legal resource to the mission in order to be able to guide the mission on legal questions. Main tasks include:

- developing a full understanding of laws and regulations pertaining to the election;
- ensuring that the mission has copies of all relevant legislation and regulations;
- tracking the legal disputes during the election (complaints and appeals process);
- establishing and maintaining close contacts with authorities and judicial bodies responsible for dealing with election disputes;
- providing clear analysis of quality of the legal process for final mission analysis of process;
- preparing briefings.

***Media Monitor/Analyst***

The key duties of the Media Monitor/Analyst are to:

- establish the methodological framework for the monitoring of the media;
- establish a media monitoring team and ensure the EUEOM has the appropriate technical capacity to conduct the monitoring;
- conduct a full quantitative and qualitative monitoring of the media coverage;
- monitor media coverage of the EUEOM and collect reports for the press on the EUEOM;
- follow up on media related issues and incidents;
- analyse and be fully familiar with the regulatory framework for media in the country;
- prepare briefings and provide reports.

***Statistical Analyst***

The Statistical Analyst needs to join the team only a few days before Election Day, but will have developed a statistics programme based on the STO report forms prior to arrival in the country. This will require close liaison with the relevant mission person. Main tasks include:

- preparation of the statistical programme for the analysis of the STO report forms;
- management of a statistics team;
- provision of a full statistical analysis for the CO as soon as possible after Election Day, enabling an analysis of the STO reports from around the country.

***LTO Co-ordinator***

The key tasks of the LTO Co-ordinator are to:

- in co-ordination with the CO, DCO and the Logistics Advisor, ensure the arrangements for the reception, briefing and deployment of LTOs;
- liaise with LTOs regularly, regarding the pre-election environment (election and political issues);
- liaise with LTOs on a regular basis, and bring any security and/or health issues to the attention of the Logistics Advisor and/or Security Advisor;
- in co-ordination with the Logistics Advisor, ensure LTOs are fully resourced for their work;
- make periodic visits (when possible) to LTOs in the field to assess their work environment and local situation;
- in co-ordination with the Logistics Advisor, ensure LTOs are properly prepared for the deployment of STOs in their area;
- liaise with other EUEOM Core Team members in relation to enquiries from LTOs;
- prepare a regular report based on LTO reports;
- prepare a final assessment of the work of each LTO.

***Logistics Advisor***

The Logistics Advisor is responsible for co-ordinating the activities of the EUEOM. The key tasks of the Logistics Advisor are to:

- be fully familiar with all the logistical requirements of the EUEOM and ensure that they are met, particularly with regard to the head office and mission security, as well as co-ordination of accommodation, transport, communication, local staff, and IT;

- be fully familiar with all plans for security, health and evacuation as they relate to the Core Team, LTOs and STOs (in conjunction with the Security Advisor if applicable);
- with the LTO Co-ordinator, ensure LTOs have made proper arrangements for the deployment of STOs in their area;
- ensure that proper and timely accreditation procedures are in place for the EUEOM;
- take part in the recruitment of support staff under the supervision of the DCO;
- manage support staff in conjunction with the respective Core Team members;
- liaise with the DCO in the development of the deployment plan for STOs;
- oversee the day-to-day management of the mission finances.

### *Security Advisor*

A Security Advisor may be designated depending on the specific security situation in a particular country. Responsibilities include:

- preparation and conduct of a thorough security briefing for all members of an EUEOM upon their arrival in the country;
- an ongoing assessment of any security threats posed to members of an EUEOM;
- ongoing liaison with national and/or international police/military officials in order to determine the level of any potential threat to an EUEOM;
- development of an emergency and evacuation plan in the event that conditions in a country deteriorate to a level that necessitates emergency measures and/or evacuation of observers.

### *Press Officer*

The key duties of the Press Officer are to:

- prepare or organise for a daily press source for the EUEOM;
- establish good contacts with media representatives;
- ensure the visibility of the EUEOM wherever possible, which will normally include establishing a mission website.

### *Long-term Observers*

LTOs will be deployed throughout the country, in teams of two, with a mixture of nationalities and gender where possible. LTOs are the mission representatives in the regions and will observe the process at the regional level in much the same way as the Core Team will at the national level. Regional LTO Co-ordinators may be designated for large-scale missions. LTOs provide full logistical support to the deployment of STOs in their area. The main tasks of LTOs are to:

- establish the regional presence of the EUEOM;

- meet with and observe the work of the Regional Election Commissions;
- meet with political parties and observe the election campaign;
- meet with NGO monitoring groups/civil society representatives to gather information;
- follow up any complaints and appeals;
- monitor the media in accordance with framework provided by Core Team;
- monitor the Election Day/s and the post-election environment.

It is the responsibility of the LTOs to:

- be fully familiar with the legislative and political aspects of the process;
- report to EUEOM as and when instructed, by using the provided reporting format;
- maintain regular contact with LTO Co-ordinator and liaise with him/her on all aspects;
- in co-ordination with LTO Co-ordinator and Logistics Advisor, prepare deployment for STOs, including the logistic arrangements and briefing materials;
- prepare de-briefing arrangements and submission of reports;
- provide full support to STOs as instructed, including briefing and de-briefing of STOs.

### ***Short-term Observers***

STOs join the mission for the purpose of observing and reporting on the Election Day/s voting and counting procedures. Their role is to observe, and STOs should not be confused with the role of international supervisors, who may be present in specific elections in a supervisory capacity and functioning as part of the election administration. The role of an STO is *to look, listen and report, but not to interfere with the process*. Whereas an STO may draw attention to irregularities in the voting process, the role of the observer beyond that point is to observe how the problem is addressed by the authorities concerned, and if it gets corrected. At no time should an STO countermand the decision of election officials.

This same approach applies to any concerns noted in the overall process, whether inside the polling station or outside the polling station. Authorities may be informed of a problem, but the observer role is not to undertake an extensive investigation, but to report how the authorities have handled a given situation.

After briefing in the capital, STOs will be deployed throughout the country in teams of two persons of mixed nationalities, providing the mission with as widespread and visible a presence as possible around the country. Main tasks are to:

- attend the briefing/training programme, becoming fully familiar with the process and the EUEOM reporting requirements;

- be deployed to the area designated, in accordance with EU Code of Conduct;
- follow the guidance of the LTO or LTO Co-ordinator responsible for the area;
- observe the closure of the campaign;
- observe the voting and counting on the Election Day/s;
- observe the processing of the votes from the polling station to the regional level;
- observe the tabulation as instructed;
- abide by the Code of Conduct at all times;
- attend the de-briefing;
- submit filled-in questionnaires and reports.

### ***Local Support Staff***

The recruitment of skilled and reliable local staff is crucial to the success of a mission. The selection of the local staff will be overseen by the DCO, with the assistance of the Logistics Advisor. The number and profile of local support staff required will vary from mission to mission.

Local staff should be ready to work long hours in an intense environment. All local staff should speak the language of the mission and, if appropriate, have previous working experience from an international organisation, embassy or international NGO.

The key positions and tasks are:

- assistant to CO/DCO,
- assistants/interpreters (where necessary) for Core Team and LTOs,
- drivers,
- receptionist,
- security guards – where necessary,
- media monitors, and
- statistics team.

The assistant of the CO, DCO and assistant(s) to election staff should be fluent in all official languages in the country and be able to hold meetings in these languages and translate written documentation into the mission language.

### ***9.2.1 Reporting Framework Within the EUEOM***

An *effective, coherent and focused reporting* framework is important. The quality of this will ultimately determine the quality of the final report, as, particularly on larger missions, the main mode of communication between STOs, LTOs, Core Team and the CO is through written reports. Therefore the reports need to be structured in a consistent manner, which enables high quality and pertinent

information to be collected, passed on and understood. Some of these documents fall into the category of internal working documents.

The basic types of reports submitted during the course of the mission will be:

### *EUEOM*

- EUEOM Weekly Field Report (See Chapter 9),
- Spot Reports as required,
- Press Releases (See Chapter 9.2 and Chapter 10.2 media section),
- Preliminary Statements (See Chapter 19.1),
- Final Report (See Chapter 19.3),
- Evaluations of Core Staff and LTOs, and
- Financial Reports.

### *Core Team*

- Core Staff Weekly Reports to CO (pertaining to relevant field),
- Core Staff contributions to Preliminary Statement (See Chapter 19.1),
- Core Staff contributions to Final Report (See Chapter 19.3),
- Weekly inventory report of material purchase or usage (quantities) for correlation with the Financial Report, and
- Statistical Report of Election Day Observation Findings – if appropriate (See Chapter 14.4 and 14.5).

### *LTOs*

- LTO Weekly Report (See Chapter 11.3),
- LTO Incident and Rally Report (See Chapter 12.3), and
- LTO Regional Report for STOs (See Chapter 11.3).

### *STOs*

- Election Observation Report Forms: voting, counting and tabulation (See Chapter 14.4 and 14.5), and
- Spot Reports.

## **9.3 EU Guidelines on Common Criteria for the Selection of EU Electoral Observers**

Selection of candidates for participation on EUEOMs, as a rule, should be made according to a set of common criteria in order to ensure a high professional standard of EU observers. The following criteria are intended as guidelines for the selection of observers for EUEOMs. They are not necessarily intended as guidelines for the selection of observers for missions of other international organisa-

tions (e.g. UN, OSCE). They are not intended to apply to Members of Parliament. These guidelines were adopted by the Council.

All candidates for participation in EUEOMs (STOs as well as LTOs) should fulfil the following minimum standards:

- previous comparative experience as an election observer and/or relevant experience and specific training (at national or international level) – good experience of the mission’s working languages;
- interpersonal skills (e.g. capacity for balanced judgement, ability to work in teams, ability to cope with difficult situations, respect for local attitudes, good communication skills, readiness to work in a multi-cultural environment);
- ability to maintain professional independence and strict impartiality in the conduct of duties in the host country;
- demonstrated commitment to the support and promotion of democratic governance and human rights;
- EU Member State citizenship.

The following additional criteria should be taken into account when selecting LTOs:

- familiarity and experience with electoral laws and procedures (including comparative experience with election administration procedures and legal frameworks for the conduct of an election), not limited to a single electoral tradition;
- special professional profiles with knowledge of human rights and democratisation issues;
- basic knowledge of institutional aspects of the EU;
- analytical and drafting skills;
- willingness to work under challenging circumstances and sometimes hard conditions;
- participation in and successful completion of an LTO training seminar.

Mission leaders and/or LTOs acting as team co-ordinators should also have:

- experience of training and managing people;
- ability to plan and co-ordinate teams.

Specific mission-related requirements may include:

- knowledge of the host country or region and of the situation in the host country;
- knowledge of relevant languages, e.g. the official language of the host country;
- appropriate physical condition.

Specific mission-related requirements should be established following a pre-mission analysis of the type of election anticipated.

## 9.4 Selection and Management of Observers

The Commission is responsible for selecting Core Team, LTOs and STOs. Once a decision has been taken to mount an observation mission, the Commission:

- informs the EU Member States of the number of observers needed (long- and short-term) and gives a Commission contact name and deadline for the observers to be proposed by the Member States. Availability should be checked as a pre-requisite before names are nominated and/or selected. Where, for any reason, a Member State is unable to supply such a list, the Commission will select candidates from its own roster. CVs of all nominated persons must be submitted;
- selects the team on the basis of the names provided, including the creation of a reserve list;
- organises a selection Committee in order to choose a balanced team of observers based on the following criteria: electoral experience, language skills, nationalities and gender. Priority is given to observers who have attended EU training programmes on election observation. The Commission has published on its website training materials on election observation and minimum training requirements for EU election observers;
- informs each Member State of the individuals selected and concludes a contract with each individual.

## 9.5 Administrative and Logistical Aspects

In recent years, there has been an increase in requests to the European Union for election observation missions. Some politically important elections are called at very short notice and the invitations to observe elections sometimes have been received very late. Moreover, EUEOMs often take place in uncertain situations, e.g. post-war, post-dictatorship or state crisis situations. Therefore, proper management of the administrative and logistical aspects of EU election observation are vital for a successful mission.

### 9.5.1 *Administrative Responsibilities*

#### 9.5.1.1 *Pre-deployment Activities*

Before leaving their home countries, all members of the Core Team, LTOs and STOs must have signed written undertakings to take part in the election obser-



vation mission. International flights will be arranged for all personnel to be deployed, who will be provided with the relevant documentation such as air tickets, information about procedures for obtaining a visa and a copy of this Handbook.

Once their participation has been confirmed, the personnel to be deployed must be given as much advance notice as possible about the deployment plan. They will also be provided in beforehand with practical information concerning the mission (in-country accommodation, temperature, currency in use, exchange rate, electrical outlets in use, medical advice including vaccinations required), perhaps via a dedicated web page.

Each member of the mission must be covered by an adapted insurance scheme including all medical and hospitalisation fees for illness, accidents related to election observation activities and evacuation and repatriation fees.

#### 9.5.1.2 *Activities to Be Carried Out in the Host Country*

• **Accommodation and office space.** Suitable accommodation and office space must be provided for the mission Core Team upon their arrival in the country. Core Team members will be based in the capital. Premises for office and accommodation should be within mobile phone coverage and preferably centrally located in areas known to be generally secure. Care must be taken to ensure that the landlords or owners of the rented accommodation or office properties are neither involved in the election process nor engaged in politics.

LTOs will be accommodated centrally for 2 to 3 days in the capital upon arrival (briefing). They will then be provided with reasonable accommodation facilities while deployed in the country, making the best use of facilities available in the deployment areas.

• **Recruitment of support staff.** Support staff will be recruited to assist Core Team members during the mission. When possible, support staff for the EUEOM will be recruited prior to the arrival of the mission to allow for an immediate commencement of the mission.

All staff employed by the mission must be interviewed carefully and their respective skill sets confirmed. CVs must be checked thoroughly for authenticity of information.

Mission employees must not be active members of a political party, must conduct themselves in a politically neutral manner at all times, and must sign a statement of confidentiality. They must not have any conflict of interest, which may affect their EUEOM duties.

All support staff will have a contract respecting international labour law standards.

- **Office equipment.** Core Team members must be provided with desktop computers, laptops, laser printers, a shredder and a photocopier of adequate size. Some media monitoring equipment will be provided as required by the mission Media Expert, in line with budget allocation. LTO teams must be supplied with laptop computers and portable printers.

Equipment for mission members will be provided with adequate supply of consumables (ink cartridge, toner etc.). The material can either be rented or purchased in accordance with the procurement procedures set out in the Practical Guide to EC external aid contract procedures<sup>1</sup>.

- **Visibility.** The EU Visibility Guidelines<sup>2</sup> must be respected. Mission members must be provided with material kits containing large size EU stickers, T-shirts, “reporter” vests and caps. All T-shirts, uniforms and stickers must bear the EU logo and the following words: “*European Union Election Observation Mission*”.

- **Transportation.** The Core Team, LTO and STO teams must be provided with an adequate number of vehicles and drivers. All vehicles should be rented from car rental companies or, if these are not available, from private owners. As vehicles will be used throughout the country, it is suggested that cars be rented from the provincial capital in which they will be deployed. All vehicles provided must be mechanically sound, with adequate legal documentation and third party and passenger insurance.

Depending on the requirements of the Core Team, observers may be transported to the various places of deployment by air, as appropriate.

- **Communication.** Phone lines must be installed in the mission office. An appropriate number of fax machines will be provided and each Core Team member will receive a mobile/satellite phone, as appropriate. Core Team laptops should be capable of being used as fax machines, if necessary. The mission should have access to the Internet, and be provided with e-mail facilities.

LTOs deployed in-country will be equipped with radio or satellite phone devices and a computer connection, allowing them to report to the mission by e-mail and/or fax on a regular basis. Where possible, LTO and STO teams deployed in urban areas will be provided with mobile phones.

The STO teams deployed in the country, especially in rural areas, will be provided with radio or satellite phone devices guaranteeing communication between the mission and the teams at all times.

Mobile phones, faxes and satellite phones can either be rented or purchased in accordance with the EC procurement procedures. Ownership of any equipment

purchased in this way rests with the European Commission for use in future EUEOM.

- **Security.** The security of mission members is paramount, and an ongoing assessment of any security threats posed to any members of an EUEOM must be made. This requires ongoing liaison with national and/or international police/military officials in order to determine the level of any potential threat to an EUEOM. It will also require the development of an emergency and evacuation plan, in the event that conditions in a country deteriorate to a level that necessitates emergency measures and/or evacuation of observers. Steps must be taken to ensure that mission members benefit from the security net implemented by UN agencies, NGOs and other humanitarian and development partners. The Logistics Advisor should liaise with European Union Member States representatives in the respective country on security matters. A thorough security briefing should be provided to all observers, and logistical arrangements for their deployment (e.g. accommodation, communication) will take into account vigilant security measures.

- **Medical considerations.** All members of the mission must be provided with information about medical precautions needed in the country. In addition, the teams will be provided with complete medical and first aid kits. Where possible, arrangements must be made with existing medical emergency networks so that a medical evacuation can be organised without delay, if required. All observers will be provided with a comprehensive international medical/evacuation insurance while in the country.

- **General administration.** Where possible, assistance will be provided to expedite the issuance of visas and accreditation for the election observers.

- **Financial management.** The CO must be provided with periodic financial statements of funds committed and disbursed, so as to ensure proper financial control of the operation. A final financial statement must be produced within two months after completion of operations on the ground.

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1 and 2. See the Procedures page of the EuropeAid web site:  
[http://europa.eu.int/comm/europeaid/index\\_en.htm](http://europa.eu.int/comm/europeaid/index_en.htm)

## 10. EUEOM Relations with Other Relevant Actors

Under the direction of the CO, one of the first responsibilities of the Core Team is to establish working relations with the host governmental authorities, other domestic actors, the resident diplomatic community and other international organisations.

### 10.1 Relations with Host Governmental Bodies

An observation mission should establish cordial, yet objective, relations with the authorities of the host country, including the:

- Executive branch (President, Prime Minister, Foreign Ministry, Ministry of Justice, Ministry of Interior, Ministry of Defence),
- Parliament/National Assembly,
- National Election Commission,
- State Media, and
- High/Supreme Court.

#### *Head of State/Executive Branch (President, Prime Minister)*

The CO and DCO may pay a courtesy call to the Head of State/executive branch (President, Prime Minister). However, the EUEOM would not have regular contact at this level of government except under extraordinary circumstances.

#### *Foreign Ministry*

Often the Foreign Ministry issues the invitation to an international observation mission and is the first authority of contact. While this protocol should be respected, once the mission is officially accredited, it should be free to establish independent contact with other domestic actors. Any rigid centralisation of communication with the host government is unacceptable, as it can create a bottleneck for the observation mission communication with a wide range of domestic actors. An EUEOM requires unhindered access to a wide range of domestic actors, both governmental and non-governmental.

The methodology for the observation mission, including the minimal conditions for effective observation, can be reviewed with the host government, although the topic should have already been discussed with the host government during the Exploratory Mission. Provided that the host government is prepared to respect the minimal conditions for effective observation, the EUEOM is in the position to proceed to the topic of receiving accreditation through a quick and non-discriminatory procedure. Once accreditation is received, the EUEOM is free to get to work and establish contact with other domestic actors.

The EUEOM will have reason to maintain regular contact with the Foreign Ministry. As the election date gets closer, there may be many details to work out with the Foreign Ministry concerning the logistics of accrediting a large number of STOs. In addition to issues regarding the observation mission itself, one other issue of a substantive election nature, which may come under the auspices of the Ministry for Foreign Affairs, is the voting procedures for voters abroad. Observers should be familiar with detailed requirements for voting abroad, who is eligible, procedure, location of out-of-country voting, who administers the vote, where are the votes cast abroad allocated in the national vote count, etc. While this issue is of course not relevant in all instances, some countries do permit expatriate voters to vote at diplomatic representations abroad.

### *Ministry of Justice*

Any election-related constitutional or election law issues may be raised and discussed with this ministry. For example, there must be accessible and adequate facilities for filing complaints with the judicial authorities nominated for this purpose by the electoral law. The Ministry of Justice may also have responsibility for determining how prisoners may cast their vote, providing the law permits those incarcerated to vote. Observers should know the total prison population, what percentages of prisoners are eligible to vote, and the practical means of voting. This is a special voting procedure that can be extremely non-transparent, and will need to be followed closely, ideally through random access to prison voting sites.

### *Ministry of Interior*

The Ministry of Interior may play a large role in the organisation of the election. For example, the Interior Ministry may have a role in the registration of political parties and non-governmental organisations. It will likely be responsible for issuing permits to political parties and candidates for public campaign rallies and events. There should be an equitable and transparent procedure worked out to address this issue. The national Voters' Register may be generated directly from the Interior Ministry's Citizens Registry. In such a case the representatives of the observation mission will need some intensive interaction with Interior Ministry officials.

Likewise, the Ministry of Interior can be instrumental on issues such as election district boundaries. Another general issue that falls under the likely domain of the Ministry of Interior is the conduct of the police during the election campaign.

### *Ministry of Defence*

The Ministry of Defence may well be responsible for organising the voting of officers, recruits and/or those on active duty. In some instances, the military is not given the right to vote, in other instances the military is given the right to vote in barracks, and in other instances at civilian polling stations. This is obviously one segment of the electorate that could be very vulnerable to intimidation, and observers should find out all the details of any special military voting procedures. Observers should also find out what access soldiers have to information during the campaign period so that they can make an informed decision at the ballot box. Finally, observers should try to organise access to military polling stations on a random basis if possible, although it should be recognised that this type of request can raise national security concerns and may have to be co-ordinated with the host government.

### *Parliament/National Assembly*

The EUEOM will probably wish to make contact with parliamentary representatives, including the Speaker of Parliament or Chairman of the National Assembly. This is useful in order to gain further understanding of the overall political process, and for background information concerning relevant legislation such as the establishment of the Election Law. It can also be useful to meet with parliamentary staff/civil servants, who may be able to give another perspective on the legislative process.

### *National Election Commission (or equivalent body)*

Alternatively, the National Election Commission or equivalent body may issue the invitation to an international observation mission, and be its primary interlocutor in the country. In that case, all of the relevant issues raised with regard to the Foreign Ministry would pertain to the National Election Commission or equivalent body.

The model of an independent election commission, composed of a balance of party representatives or of independents appointed in their professional capacity, is often the model for election administrations in emerging or transitional democracies. In the event that the EUEOM determines that the Election Commission does not have the necessary level of independence, and is not a viable mechanism for delivering a meaningful election process, these issues should be appraised at an early stage, and if appropriate be raised early with the host government. How-

ever, a model of an election administration that is government run or supervised is also encountered.

The National Election Authority (NEA) should be reassured that the election will be assessed according to a consistent and objective methodology. Once the initial contact has been made with the NEA, every effort should be made to respect the time constraints and the short deadlines facing the NEA, while at the same time getting regular and necessary access to the Commission to observe its progress and discuss election related issues.

In dealing with the NEA, it must be kept in mind that the observer role is to observe and report, not to offer practical advice on election implementation. The NEA should be assured, however, that they will be notified of any identified problems as rapidly and precisely as possible. However, once a problem has been identified and reported to the election administration, the only further responsibility of the observation mission in the matter is to follow whether and how the problem was tackled. An active advisory role may be undertaken within the parameters of a technical assistance project, but is not for an EUEOM.

### ***State/Public Media***

The EUEOM will have contacts with local media, both public and private, in order on the one hand to explain its mandate activity, and on the other hand to assess whether their coverage of the campaign is balanced.

The State/Public Media should provide access to the media for both governing and opposition parties, and it is up to the observation mission to observe whether or not State/Public Media permits unbiased coverage of the election process. The very basis of democratic governance requires that the electorate be able to make informed choices. This demands that all contesting points of view be fairly and equitably communicated, particularly in the media financed from public funds. In addition, while the incumbent may get media coverage concerning State affairs, campaign events should not be confused with issues of State.

### ***High/Supreme Court***

The mission will have contacts with the Judiciary to clarify their role in the election process.

The highest court in the judicial system is often the final arbiter of election related disputes. While election related disputes may first be considered by the NEA, the right to appeal a decision by the election authorities to the judicial system is a standard right and guarantee. Whether or not election-related disputes make their way on appeal to the High/Supreme Court, justices at this level should have an overview of the appeals system and any significant appeals making their way through the court system.

## 10.2 Relations with Other Domestic Actors

The observation mission should keep an open and constructive dialogue with a number of domestic non-governmental actors. As outlined in the minimum conditions for election observation, there must be guaranteed access to a number of domestic actors in the election process, including:

- political parties/independent candidates,
- domestic observer groups,
- media,
- non-governmental organisations, and
- minority groups.

### *Political Parties/Independent Candidates*

There is a tendency among observation missions to meet with the main political parties. However, the EUEOM should do its best to reach out beyond the so-called main political parties, and to meet with the widest array of political parties possible. Sometimes a political party may not be so significant at the national level but may represent real regional or national minority interests. Nor should independent candidates be overlooked, and the EUEOM should make every effort to consult with an array of independent candidates.

Meeting with a wide range of parties will enable the mission to have some sense of whether or not there are a number of registered parties that do not represent real interests, or vice-versa, a number of interests that do not appear to have political party representation. If political parties are supposed to have representation on election commissions, this can become a complex issue of whether or not parties represent real interests, or may have been formed with the intent of monopolising the election administration structures.

The EUEOM should be familiar with the requirements for parties to register and therefore compete for public office. If the requirements are considered to be unjustly stringent, then the EUEOM will have to identify this as a key concern in the election process. Alternatively, political parties might be registered according to minimal criteria, which could be engineered by an incumbent government to overwhelm the electorate with a wide array of choices, divide the opposition vote and perhaps dominate party representation on election commissions.

### *Domestic Observer Groups*

Democratic transition requires public confidence in the process. The right for domestic civic observers to receive accreditation and to observe the various stages of an election process has therefore become accepted practice in most countries in democratic transition. The accreditation of non-partisan domestic observers is a



very positive development for the transparency of an election process, and demonstrates an understanding on the part of the host government of the importance of civic participation for building confidence in the overall process.

While the term “domestic observers” can sometimes be applied to party and candidate observers (who should also have the right to observe), the definition emphasised here is non-partisan civic observer organisations. These groups should be permitted to observe, in addition to party and candidate observers, and their role can be of immense value in increasing confidence in an electoral process.

Some international agreements and national election laws specifically protect the right of domestic observer organisations to field observers to cover the entire election process, including inside polling and counting centres on the actual Election Day/s.

While some governments may challenge the neutrality of domestic observer organisations, serious domestic observer organisations recognise that they will only be able to play a constructive and credible role if they keep their activity non-partisan. This is not to say that individual members cannot hold their own political opinions, because obviously they will and should be able to do so. But they should keep their political opinions private, beyond exercising their legal right to vote, if they choose to participate in a domestic non-partisan observer activity.

International observer missions will benefit from meeting regularly with credible non-partisan domestic observer organisations, which can have a broad presence throughout the country and bring a wealth of information to the attention of an international observer mission. They may conduct a “parallel vote count” or even a “quick” count (a statistical sample of parallel vote counting), which can be incredibly important for the integrity of an election process and can be very informative for an EUEOM.

However, it is important to ensure that international EUEOMs do not deploy with domestic observers, and organise their activities fully independently from domestic observer groups. This essentially safeguards the methodology developed by international organisations that depends on absolute objectivity and first-hand reporting, and also protects the integrity of the international missions against the possibility or perception of infiltration by partisan domestic actors.

International observers can best support the activities of domestic observers by supporting their access to the entire election process, specifically noting if they are present at polling stations and counting centres, and that they have unrestricted and unhindered possibilities to carry out their duties on the Election Day/s. Domestic observers should of course conduct themselves in an objective and non-partisan manner. In the event that domestic observers transgress their non-partisan role, there may be legitimate cases in which domestic observers have their accreditation withdrawn. However, any withdrawal of accreditation for specific domestic

observers or their organisations should be closely investigated by the international observer missions.

The government should publicise the role of domestic observers and properly inform the electoral, civilian and police authorities of the status of observers. The process to accredit domestic observers should be clear and simple. Again, any obstruction imposed on domestic observers is considered a serious breach in a government's ability to deliver a democratic election process, inspiring confidence in its electorate.

### *Media*

All relations with the media are solely entrusted to the CO, the DCO or a designated representative. As already mentioned, an EUEOM should hold a press conference upon its establishment in the country, to announce its presence and give its contact details.

If during the course of the campaign or at any time prior to Election Day, there is a serious incident or a serious trend of activity emerges, the mission might consider making a statement highlighting their concern. It is important to withhold comments except in serious circumstances, which might include – but are not limited to – violent incidents, clear systematic attempts to restrict participation of candidates/parties and serious restrictions on legitimate campaigning. Such statements should be carefully drafted to avoid the perception of partiality by the mission. For this reason the statement should be factual in nature, raising the concern of the mission and pointing out the responsibility of the government to ensure an election in line with the law and international commitments and standards.

Apart from the issue of information briefings to the press, the EUEOM should have contact with the press for the purpose of receiving information. The Media Analyst should early establish contact with credible journalists, and such contacts can harvest a wealth of information from both the domestic and international press corps, and can provide a very rich background and up-to-date information regarding the overall pre-election environment. However, it should be reiterated that the development of contacts with the press for the purpose of *providing* information is the exclusive privilege of the CO or designated representatives.

### *Non-Governmental Organisations*

Generally, the NGOs that an EUEOM is most likely to have contact with are domestic observer NGOs. However, from time to time there are NGOs that follow specific issues of interest to the observation mission. For example, the EUEOM may find it useful to establish contact with NGOs that monitor *general human rights issues*. *Gender related issues* would be of importance for an observation mission, and there may be NGOs that follow gender related issues and could comment

specifically on *women's issues* during the election process, for example, the possibilities for women to be fully engaged in the election process, as candidates, voters and election administrators. Sometimes there are NGOs composed of former political prisoners or repressed persons who may also have unique insights into the political situation and election process, and therefore are worth meeting with. *Environmental groups* are normally very politically active, and are often on the forefront of movements for political reform. There may also be *regionally based NGOs*, that have specific and in depth knowledge about certain parts of the country.

### ***Minority Groups***

The issue of *ethnic or linguistic minority groups, including indigenous peoples*, in the election process is of special importance to any observation mission, since the premise upon which any democratic process is based, respects the right to equal treatment under the law without discrimination. It is therefore of primary importance for the observation mission to look at the Constitution, the Election Law, and Rules and Regulations to see that they uphold an equal right to political representation for national minorities, and that the practical implementation of legal rights is forthcoming.

An EUEOM should therefore pay particular attention to meeting with representatives of *national minority communities*, to hear whether or not they have any concerns regarding the given election process. The observation mission may want to concentrate attention on the following issues:

- whether or not national minorities have a reasonable chance at representation under the election system selected;
- the establishment of election district boundaries in minority regions, and the quality of the voter registry regarding national minorities;
- whether or not sufficient attention is paid to voter education in national minority languages.

## **10.3 Relations with EC Delegation and Resident Diplomatic Representatives**

If an EC Delegation is present in the country concerned, the Head of Delegation will be an important and essential conduit with the resident diplomatic community. The Head of the EC Delegation has an overall responsibility for the implementation of projects funded under the EC budget; however, s/he will not supervise the work of the EUEOM which will retain its full independence. The CO and DCO will keep the Head of Delegation fully informed of the mission activity and will consult with him/her whenever necessary. The Delegation will facilitate the work of the EUEOM by preparing the programme of the EUEOM

for the first week of its stay, discussing a possible MoU on election observation with the authorities and will support the mission through its stay, for example by transmitting confidential correspondence to HQ. Contacts between an election observation mission and the in-country diplomatic representations, in particular those of EU Member States, are essential to a successful mission.

An initial briefing by the observation mission should provide the diplomatic representations with an understanding of the EU election observation methodology and the mandate or terms of reference for the specific observation mission. Likewise, the EU HoMs can share their knowledge of the country, including political and social factors relevant to the election process, with the observation mission. Further, briefings provide for regular updates on the status of the observation mission, and for further dialogue as the election process unfolds.

The EUEOM should establish an early contact with EU HoMs, and first contacts will be made during the Exploratory Mission. Upon the commencement of the observation mission, regular briefings, usually on a weekly basis, should be held for all EU Member States that have representation in the country concerned. Occasional briefings may also be held, on a case by case basis, with the broader diplomatic community.

The working relationship between the observation mission and the diplomatic representatives should be established from the outset. The observation mission seeks *close dialogue* with the in-country diplomatic community, and a regular exchange of information. The EU HoMs can play an important supporting role for an EUEOM. If the host government for example does not respect the *Conditions for Effective Election Observation* (See Chapter 5.1), the diplomatic community may be instrumental in assisting the observation mission to get these issues redressed before any irreversible decisions have been taken.

However, an EUEOM has an independent and objective assessment to make in line with international election standards, and it *should not be unduly influenced by in-country diplomatic representatives* for the purpose of specific diplomatic or bilateral interests. The task of an observation mission must be to accurately assess an election process *in relation to universal democratic standards* and international obligations. Ultimately, the post-election statement is the responsibility of the CO, based on the findings of the overall mission.

Some EU embassies may be willing to offer *their staff to participate as STOs* on Election Day. The observation mission welcomes this contribution of resident diplomatic personnel to the ranks of the STOs, particularly as the numbers of observers are important to get a relevant statistical profile of polling and counting station procedures through observer checklists. However, they should receive the proper briefing by the EUEOM and be officially accredited as observers, just like all other STOs. While most countries permit their diplomatic personnel to participate as

Election Day observers, some countries have a policy not to permit their staff to participate.

The observation mission should nonetheless be *self-sufficient* in terms of staffing for the longer-term mission. At the time that the observation is established, it should have the sufficient number of core staff and LTOs to fulfill the mission. Long-term engagement of embassy personnel with an observation mission *blurs the line between diplomatic representation and the observation mission* and could potentially compromise both the mission and the respective diplomatic representation.

## 10.4 Co-ordination with Other International Organisations

The Commission Communication on EU Election Assistance and Observation notes that “the EU should seek to co-operate with other international groups to ensure, where possible, common positions and the most effective deployment of resources”. However, it goes on to stress that the EU “should avoid formal co-ordination structures where the EU’s integrity and freedom of work and action could be impaired”.

There are many different types of organisations, both inter-governmental and non-governmental, that engage in international election observation. The primary objective for all these organisations should be to make as accurate and objective assessments as possible in the name of their own organisations. Where it is possible for international organisations to co-operate closely and objectively to achieve this end, however, the international community is strengthened during the course of its assessment. This will in turn reduce the possibility of the so-called “forum shopping” phenomenon, whereby the host government may attempt to divide opinion on its election, by stressing the division of opinion among observer organisations.

However, co-operation with other organisations should not be pursued if it will compromise the integrity of an EUEOM. Subscribing to a long-term election observation methodology, which encompasses the full election cycle, should serve as a common denominator for effective co-ordination among organisations. This does not mean that all organisations will have the ability or resources to conduct a long-term observation, but they should subscribe to that approach, and make their own contribution to the overall effort in line with their particular expertise and resources.

### *Co-ordination by One Organisation*

Sometimes a particular organisation is mandated as the primary organisation responsible for co-ordination of election observation in its particular region. In other instances, a government may ask a particular organisation to co-ordinate an

EUEOM in order to ensure one interlocutor. In the event that one organisation is asked to co-ordinate all observers, the co-ordinating organisation should ensure a long-term and thorough observation framework, through which other organisations can integrate their input. The co-ordinating organisation should have some long-term staff especially designated to ensure the smooth integration of the other observer missions.

It should be emphasised that the ability for international organisations to co-ordinate closely is really only possible when all organisations subscribe to a similar long-term methodology. This does not mean that all observer groups need to deploy a long-term contribution to the mission, but they should all respect the long-term methodology.

### *Ad Hoc Co-ordination*

In the event that there is not one designated co-ordinating organisation, EUEOMs may try to combine efforts and find a basis for co-operation. In this instance, it should be made sure that co-operation of efforts is not misunderstood as delegation of work.

It is the responsibility of each organisation to carry out an objective assessment in line with the own organisation's established parameters and whatever resources it has at its disposal. If efforts can be combined, this makes sense. However, it is important to remember that the organisations with the ability or commitment to sustain a long-term and credible observation will ultimately be able to make the most comprehensive assessment.

# 11. Long-term Observers

## 11.1 Briefing

Shortly after the arrival of the Core Team, Long-term Observers (LTOs) will be deployed under the direction of the Core Team and regional LTO Co-ordinators, if applicable. Ideally, LTOs will arrive at more or less the same time, allowing for a central briefing. If this is not possible, then a series of smaller briefings may have to be held. Key points include:

- the mandate and structure of the mission and the observer Code of Conduct,
- political, electoral and social background of the country,
- list of required meetings and main questions and issues to follow,
- reporting format and timetable,
- logistic support to STOs,
- LTO deployment information, and
- financial and administrative tasks of the LTO.

## Model LTO Briefing Pack

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<b>The Observation Mission</b>	1	Background to EU Observation Missions	
	2	Official Documentation	
	3	Mission Structure and Code of Conduct	
	4	Provisional EUEOM Timetable	
<b>Background</b>	5	Articles: Political and Electoral Background	
	6	The Election – at a Glance	
<b>The Election</b>	7	Political Party Spectrum	
	8	The Electoral System	
<b>Laws</b>	9	Election Code and Relevant Laws and Regulations	
<b>Long-term Observation</b>	10	Role of the Long-term Observer	
	11	LTO Deployment Areas	
	12	LTO Reporting Structure	
	13	Guidelines for Meetings	
	14	Guidelines for National Staff	
	15	Logistics and Finance	
	<b>Information</b>	16	Language Guide/Terminology/Map
		17	Telephone Contact List
18		Health and Security Information	

## 11.2 LTO Deployment

LTOs will be deployed throughout the country, in teams of two of mixed nationalities and gender where possible. LTOs are the mission representatives in the regions and will observe the process at the regional level in much the same way as the Core Team will at the national level. They submit standardised and interim reports to the Core Team. Likewise, LTOs provide full logistical support to the deployment of STOs in their area. LTOs join the mission shortly after the Core Team and depart a few days before the closure of the mission. Deployment will usually take place after the briefing in the capital in order to maximise time in the field. There are six main criteria, which have been developed through the experience of many observation missions and through “trial and error” in determining deployment locations:

- **Geographical coverage.** Wherever numbers permit, and other factors do not rule out, the mission should seek to ensure a general coverage of the country – north, south, east, and west. This will ensure maximum coverage and visibility for the mission, as well as providing a good framework for the later deployment of STOs. It is good



for a mission to be able to state that it is covering all regions of a country, thus getting a comprehensive picture of the process on a national basis.

- **Population centres.** Ideally, the major population centres in a country need to be covered. The deployment should not miss any of the major cities in the country, as this would undermine the coverage in both a qualitative and quantitative sense.
- **Problematic areas.** Areas in which there are major or alleged problems need to be covered. This is not to pre-judge an issue or to over-emphasise the problems, but it is the responsibility of a mission to follow up on potential or reported problems.
- **Minorities.** Deployment should take account of areas containing sizeable ethnic and/or linguistic minority populations. Although such areas should not necessarily be over-represented in the deployment, neither should they be missed out.
- **Issue-related themes.** Deployment may take account of specific issue-related themes. For example, if an area has reported specific problems with voter registration, then this area could be covered with a particular focus on any manifestations of the reported problem/s.
- **Logistics/Security.** All of the above factors indicate what is desirable. However, what is realistic must also be taken into consideration. Certain areas might not be logistically viable to reach and thereby prevent deployment. Or areas may be inhospitable or considered to be a security risk. This could prevent observation in areas that are likely to experience election related problems, but safety for observers must come first, and security risks must be taken seriously. A cautionary response is strongly advised under such circumstances. If logistical and security issues compromise deployment, then the EUEOM may no longer be viable.

### 11.3 LTO Reporting Structure

LTOs will report to the mission by regular phone contact, spot reports as required and weekly reports in the specified format (see below). In addition, LTOs will produce a regional report for the STOs deployed to their area of responsibility.

## Model LTO Weekly Reports

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- General political background/Update
- Readiness for and conduct of election administration
- Voter registration
- Candidate registration
- Political campaign
- Media-related issues
- Issues relating to organisation of observation mission

## Model LTO Regional Reports for STOs

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- **Team information**
  - Observer names
  - Deployment area and polling station info (possibly separate attachment)
  - Driver/Interpreter/Accommodation information
- **Socio-economic background to region**
  - Main towns and overview of economic activity
  - Social/Ethnic characteristics
- **Political background to region**
  - Dominant political parties/candidates
  - Results from recent elections/Opinion polls for region
  - Main campaign issues
- **Electoral background to region**
  - Issues/Disputes during the election
  - Contacts for relevant election commissions
- **LTO and other contact information**
  - LTO phone numbers, addresses etc.
  - Emergency contacts – police, hospitals etc. (including other international organisations locally)

## 12. The Pre-election Period – What to Observe?

An EU Election Observation Mission is structured to follow the election process in all its dimensions: as a political and administrative process, with attention to relevant human rights issues. The EU's approach therefore emphasises a methodology to assess the pre-election process in its entirety, including:

- the legal framework and election system,
- the election administration, and
- the election campaign.

### 12.1 The Legal Framework and Election Systems

The legal framework regulating the political system and elections can be found in a country's Constitution and/or its Election Law as well as other laws, e.g. the media law and the political party law. The legal framework should reflect universal and regional standards for a democratic and meaningful election process (See Chapter 3 – Elections in the Context of Human Rights Treaties – Universal and Regional Instruments).

The legal framework will also articulate the election system. The choice of an electoral system is of course one of the most fundamental decisions for any democracy. A transitional or emerging democracy will either choose or inherit an electoral system to elect its President, its Parliament, and its Local Government representatives. Those who are perceived to benefit from the current electoral system will advocate the *status quo* or minor changes, while those perceiving that they are disadvantaged by the present system will most likely argue for more extensive amendments.

#### *12.1.1 Electing a President*

The most direct method of electing a president is to award the office to the candidate who wins the most votes, or the *First Past the Post (FPTP)* system. However, in a strongly competitive multi-party race, there is the possibility that the President will be elected with such a small majority of votes that the election does not result in a clear mandate.

One way to avoid candidates being elected with only a small proportion of the popular vote is the *Two-Round System (TRS)*, in which a second ballot is conducted if no one candidate wins an absolute majority in the first round. This can either be between the two top candidates (majority-runoff), or between more than two candidates (majority-plurality). The TRS may be useful for maximising the consent of the electorate in the selection of a president. However, presidential elections held under the TRS can also raise the cost and resources needed to run elections, and the voter turnout can drop significantly between the first and second rounds of voting.

An alternative to any disadvantages of the TRS is to merge the first and second round into one election. The most straightforward adaptation is the *Preferential System*, in which voters are asked to mark not only their first choice candidate, but also their second or third choices. If a candidate gains an absolute majority of first preference votes, s/he is immediately declared elected. However, if no candidate gains an absolute majority, all candidates other than the top two are eliminated and their second or third choice votes are passed on to one or the other of the two leading candidates, according to the preference ordering marked. However, the preferential system places greater literacy demands upon the electorate.

In order to maximise consent of the electorate in the election of a president, a number of countries also have *minimum voter turnout rates* for their presidential elections, typically set at a minimum turnout of 50 percent, as an additional mechanism for ensuring majority participation. In such instances, an EUEOM should closely follow the voter turnout levels to make sure that they are not artificially inflated.

### ***12.1.2 Electing a Parliament/Legislature***

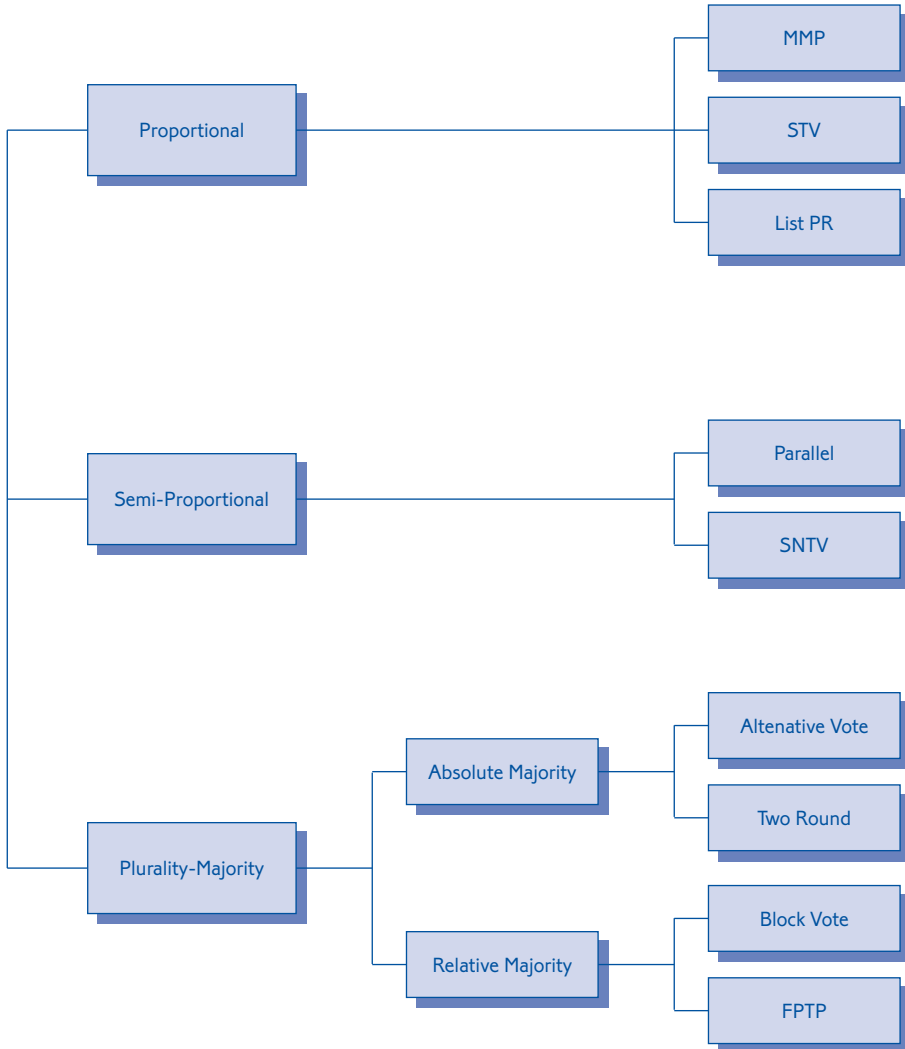
The electoral system translates the votes cast in a parliamentary/legislative election into seats won by parties and candidates. Even with an identical number of votes for parties, one electoral system might lead to a coalition government, while another might lead to a single party assuming majority control. The key variables are the electoral formula used: whether the system is majoritarian or proportional (and what mathematical formula is used to calculate seat allocation in a proportional system), and the district magnitude, which concerns how many Members of Parliament that district elects.

Parliamentary election systems fall into three broad families: Proportional Representation, Semi-Proportional Systems, and Plurality – Majority Systems.

#### ***12.1.2.1 Proportional Representation***

Proportional electoral systems attempt to reduce the disparity between a political party's share of the national vote and the proportion of parliamentary seats that

## Election System – Overview



it will obtain. Hence, a party that receives 30 percent of the votes should also win 30 percent of the mandates in the legislature.

Proportionality is often looked upon as being best realised by the use of party lists, and most countries that have a proportional system use some form of *List PR system*. When the voter goes to the polling station, the ballot presented to her/him will contain a list of the names of the parties competing for power, and sometimes also the names of the candidates running for these parties. If the voter can only choose between the parties, then the voter is facing a closed list. Should, however, the voter be given the option to also select the candidate(s) running for the party of her/his liking, then the country employs an open List PR system.

However, proportionality can also be achieved using *Mixed Member Proportional (MMP) systems* that attempt to combine the benefits of majoritarian and proportional systems. Some of the MPs are elected in single member districts, while others are elected through the List PR. Proportionality can be achieved if the proportional component of an MMP system compensates for any disproportionality which comes out of the majoritarian district result. The objective is to achieve a proportional representation in Parliament, and at the same time maintain a direct link between some of the elected representatives and her/his constituency. Should, for instance, a party receive 20 percent of the national vote but no constituency based seats, then they would still obtain a 20 percent representation in Parliament via the List PR component.

A third common member of the PR system is the *Single Transferable Vote system (STV)*, where voters rank-order candidates in multi-member districts. The fundamental difference between List PR and the STV system is that the latter requests voters to vote for candidates rather than political parties, and thus gives voters the choice between parties and between candidates within parties. In the polling station, the voter is requested to mark as many preferences as possible, which in turn maximises her/his influence in the electoral process. At some countries, the person can prioritise all the candidates of her/his favourite party, or choose different candidates representing different political parties.

#### *“Electoral Formula” and Boundaries Relevant to Proportional Systems*

The overarching purpose with proportional systems is to make sure that the proportion of seats a party wins in Parliament should correspond as closely as possible with the proportion of national votes it won in the election. However, within the family of PR systems, there are primarily four factors that affect this correlation: 1) number of districts, 2) number of seats per district, 3) electoral formula used, and 4) thresholds.

- **Number of districts.** If the entire country is one big district, then the discrepancy between the percentages of votes won and seats allocated to the parties can be expected to be small. If, on the other hand, the country is divided into many small districts, then each constituency will generate a pool of votes that never materialised into a seat. This can adversely affect the proportionality of the results.

- **Number of seats per district (district magnitude).** If only a small number of seats are at stake in a district, the risk of disproportionality increases, as even relatively popular parties face the risk of not gaining a seat in a two seat district. When a larger number of seats are being contested, even smaller parties stand a chance to be represented.

- **Electoral formula.** When allocating seats to parties and candidates under a PR system, a mathematical formula is used. Some of these formulas are more beneficial to smaller parties, while others benefit larger parties. In general, there are two different ways of distributing seats to the assembly: using divisors or a quota.

Divisors, also commonly called “the highest average”, begin by dividing the votes a party received by a predefined number series (divisors) and thereby obtains the average party vote. According to the *d'Hondt* method the divisors are 1, 2, 3, 4, etc., while the *Sainte-Laguë* system applies the 1, 3, 5, 7 etc. formula. The party with the highest average vote after each stage wins the seat.

The difference between the *Sainte-Laguë* formula and the *d'Hondt* is that the average party votes decreases faster after each stage when using the *Sainte-Laguë* formula. The reason is that the divisor is higher in the *Sainte-Laguë* formula. Subsequently the larger parties will benefit from this, because they will have a larger average party vote after the first stage.

Quota formulas, also termed “largest remainder method”, use a different methodology when translating votes into seats. When the electoral act specifies that a quota will be used, the election authority should establish the actual quota for the election in question. This is achieved by dividing the number of valid ballots by the number of seats in that district. Parties are allotted seats in proportion to the number of quotas they fulfill. Any remaining seats will be won by parties on the basis of their votes retained after using the quota. Remaining seats are awarded in order of vote size.

Primarily three different quotas are in use today: *Hare quota*, *Imperiali quota*, and *Droop quota*. If one increases the value of the denominator, the chances of smaller parties winning seats decreases. Both the *Droop* and the *Imperiali* quota do just that. The *Droop* quota increases the denominator by number of seats in district +1, while the *Imperiali* increases it by +2.

• **Thresholds.** Even though the rationale behind PR systems is proportionality, some argue that too many small parties could render a country ungovernable. In order to prevent such a development, several countries using PR systems have opted to introduce a formal minimum level of support or “threshold” which parties must win in order to gain representation. The threshold often ranges between 3 and 5 percent of the total vote.

#### 12.1.2.2 *Semi-proportional Systems*

Although majoritarian and proportional electoral systems are the most commonly used worldwide, semi-proportional systems combine various features of Plurality-Majority Systems and Proportional Representation. The two most commonly used semi-proportional systems are the *Single Non-Transferable Voter (SNTV)* and *Parallel* (or mixed) systems. In SNTV systems, each elector has one vote but there are several seats in the district to be filled, and the candidates with the highest number of votes fill these positions. This allows for the election of minority party candidates, and could result in improving the overall parliamentary proportionality. Parallel systems use both PR lists and plurality-majority (winner take all) districts but, unlike Mixed Member Proportional systems noted above, under Parallel systems the PR lists do not compensate for any disproportionality within the majoritarian districts.

#### 12.1.2.3 *Plurality-Majority Systems*

Plurality-majority systems most commonly employ single-member districts. The *First Past The Post (FPTP)* is the most common electoral system using a relative majority to elect its representatives. In the FPTP system, the winner is the candidate with the most votes, and can be elected with a relative majority, but not necessarily an absolute majority (i.e. over 50 percent) of the votes cast. A second alternative to obtain a relative majority is by allowing voters to cast as many votes as there are mandates to be selected in that particular constituency. This system is called the *Block Vote*, and is simply the use of the FPTP voting in multi-member districts. Voters have as many votes as there are seats to be filled, and the highest-polling candidates win the seats, irrespective of the percentage of the vote they actually receive.

Two other systems within the Plurality-Majority systems try to ensure that the winning candidate receives an absolute majority (i.e. over 50 percent) of the vote and not just a plurality. They are the *Two-Round System (TRS)* and the *Alternative Vote (AV)*, and in essence they make use of voters’ second preferences to produce an absolute majority winner if one does not emerge in the first round of voting.

Under the TRS, a candidate receiving an absolute majority in the first round is elected outright. If, however, no candidate received an absolute majority, then



a second round of voting is conducted including the two candidates with the largest support in the first round (or in some cases those candidates that receive a fixed percentage in the first round). The second round will then produce a winner with an absolute majority.

Another method to meet the absolute majority requirement is for voters to express their preferences more than once. The Alternative Vote is a relatively unusual electoral system, which tries to give the voter more options than the FPTP system. Rather than simply indicating their favoured candidate, voters are allowed to prioritise their choice among several candidates and thereby express preferences between candidates. Like the TRS, any candidate receiving an absolute majority in the first round is elected, and if not, the candidate with the lowest number of first preferences is eliminated from the count, and his or her ballots are re-examined for second preferences until one candidate has an absolute majority.

### *12.1.3 Electing Local Government*

Any of the electoral systems outlined above can be used at the local or municipal government level. However, there are often a number of unique considerations due to the specific role that a local government plays in a political system. If geographic representation is considered a priority, single-member districts are often employed in an effort to give every neighbourhood a say in local affairs. In contrast, some countries that use proportional systems for local government view defined municipalities as the perfect way to have one single-list PR district which can proportionally reflect diversity within the municipality.

## **12.2 Election Administration**

The Election Administration is fundamental to the effectiveness and integrity of any given democracy. It can be established:

- as an independent electoral commission;
- within the executive branch of government;
- within the judiciary.

Electoral reform in newly democratising countries and in some older democracies is almost invariably moving in the direction of establishing independent electoral commissions, either with full responsibility for the electoral process or with a supervisory role over elections run by the executive. Elections exclusively managed by the executive branch are a residual category. There are two different models of independent election commissions:

- a multi-party election commission with a balance of political interests represented; or

- a commission of non-political experts appointed in their professional capacities.

Whichever model is adopted, the fundamental issue is that the election administration should conduct itself in a professional, impartial, transparent and accountable manner, focused on the integrity of the process rather than narrow party or personal interests. Both multi-party commissions and non-political commissions should act independently and impartially when regulating the election process.

Independent election administrations may either be organised:

- ad hoc – assembled for each election; or
- permanently – as a permanent body or at least with a permanent core staff.

Whether an election administration is composed of multi-party representatives or non-political representatives – whether it is ad hoc or permanent – there is often some contradiction between the ideal of an independent election body and the reality that an election administration will never be entirely free of some government influence. The election administration should be structured to protect it from government influence through:

- legal guarantees of independence (ideally a constitutional guarantee, although it is more common that the independent status is guaranteed in the Election Law or a Central Election Commission Law);
- budgetary independence (a predictable budget rather than an ad hoc budget);
- the appointing body (members of the election administration may be nominated by the executive, Parliament, judiciary, or political parties in the process. The official appointing body, whether it be the executive, Parliament or judiciary, should just confirm that the nominations are in line with the law, but should not have the right to hand pick an election commission through repeatedly rejecting nominations. The important point is that the source of the nominations comes from a balance of interests);
- terms of appointment (the independence of the election commission is best guaranteed when an individual is appointed for some reasonable length of time, as they do not have to depend on each government for reappointment, the duration of appointment for the election administration is ideally longer than the term of office of the appointee).

Observers should pay attention to these structural issues:

- degree of independence from the government and/or a dominant political party;
- neutrality in the running of electoral operations;
- access to election administrators by political parties, civil society organisations;

- transparency of the election administration;
- internal rules of procedure (when it comes to voting procedures, a qualified majority is more likely to ensure consensus of decision-making rather than a simple majority);
- degree of decentralisation to lower levels of the election administration;
- past record of elections in the country.

Observers should also pay attention to the technical operational aspects, such as:

- level of training for election administrators;
- human resources;
- financial resources;
- cost-effectiveness of electoral budgets;
- role of new technologies in election management.

### ***12.2.1 Voter Education/Civic Education***

Voter education is focused on the particular election and should inform voters of when, how and where to register to vote, and when, how and where to cast their votes. It is therefore essential that this information is provided in a timely manner, allowing sufficient time to fully inform voters so that they can make use of the information. Observers should assess the extent and effectiveness of voter education. Sufficient voter 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 about the election process and build a climate for open debate.

Civic education is a longer-term process of educating citizens in the fundamentals of democratic society and civic responsibility. It may focus on the choices available to the voter and the significance of these choices within the respective political system.

While political parties, civic organisations and even international organisations may contribute to voter/civic education efforts, it is ultimately the responsibility of the government and the election authorities to ensure that voters receive objective and impartial information. It should be provided to all eligible voters, and special efforts should be made to target traditionally disaffected segments of the population. Observers should become familiar with the organisation, accuracy and effectiveness of voter/civic education efforts underway.

### 12.2.2 Voter Registration Process

In order to hold credible elections, the election authorities must ensure a Voters' Register that is *complete, accurate and current*.

- A Voters' Register is *complete when it includes all eligible voters*, i.e. citizens that have reached a qualifying age and other legal requirements.
- A Voters' Register is not accurate if names are misspelled, registered twice, or people are registered to vote in the wrong polling station.
- If the last reliable voter registration exercise took place a long time ago, or generated an incomplete and inaccurate register, a completely new register might be necessary.

There should be legal provisions governing:

- the method of registration,
- the registration timetable,
- means of identification,
- the registration form,
- format of the register,
- publication of a draft register,
- procedure for claims and appeals,
- publication of a final register, and
- right to inspect registers.

#### Unreasonable restrictions include:

Race  
 Gender  
 Religion  
 Ethnic origin  
 Political affiliation (past and present)  
 Language  
 Literacy  
 Property  
 Registration fee

#### Reasonable restrictions include:

Residence  
 Citizenship  
 Legal detention  
 Mental incapacity according  
 to Court decision  
 Criminal conviction

### *Development of the Register*

Developing a credible Voters' Register includes several important steps, and failure to fulfil all steps in the process could negatively affect the citizens' ability to elect their political leaders.

The actual registration of the electorate can take many forms, *or possibly a combination of the following*:

- Emerging democracies often establish a larger number of registration centres and informs eligible voters where to go and register during a specific period.
- An alternative method is to have registration teams visit homes door to door.
- The Voters' Register may be derived from the Civil Register if well maintained, and updated through the establishment of Registration Centres.

In the case of Registration Centres, they should be distributed in such a manner that all groups have equal access. The election authorities should take particular note of remote areas, people with disabilities, and other disadvantaged groups. In societies with poor infrastructure, a maximum distance that anyone should have to travel to register is often employed.

The method used to collect the necessary data from eligible voters can differ, for example:

- a manual Voters' Register implies a manually written booklet containing the data necessary to identify voters on polling day;
- a computerised Voters' Register based on a database is sometimes collected using scannable forms, or keyed directly into computers in the Registration Centres.

Information about the type of documentation needed to register and how any paperwork will be distributed needs to be accurately provided through the comprehensive voter education campaign. To ensure transparency and accountability in the registration process, domestic and international observers, as well as party agents, should:

- be present during the actual registration process;
- view the publicly posted Provisional Voters' Register, to ensure that names are correctly recorded and that no individuals or groups of individuals are discriminated against;
- follow the procedures in the Registration Centres, as well as activities taking place inside the centres themselves;
- be informed of the geographical spread and location of Registration Centres throughout the country where the Voters' Register should be publicly posted.

More importantly, the general public can scrutinise the Voters' Register to ensure that it does not contain non-eligible voters. Should that be the case, individuals

must have the right to challenge their inclusion. Registered voters missing from the Voters' Register should also have the opportunity to request re-inclusion.

On polling day, the true quality of the Voters' Register will become evident. If the authority responsible for the compilation of the Voters' Register has done a competent job, only minor and isolated mistakes will be discovered. On the other hand, if the election administration has misplaced registration forms, or experienced computer and scanning problems which seriously affect the quality of the register, then the election could be in jeopardy. Observers should pay special attention to omissions from the list.

### *12.2.3 Registration of Political Parties and Candidates*

The legal framework must create the conditions for full engagement of freedom of association by citizens. Registration is usually granted by the executive branch, e.g. Ministry of Justice. However the election authorities are usually responsible to register a political party/candidates for the purpose of an election.

In many countries parties and candidates need to conform to certain rules and regulations before they officially become a political party and begin canvassing for electoral support.

The EUEOM should assess whether the requirements for party/candidate registration and the implementation of such requirements do not place unreasonable restriction on freedom of association and restrict the political options offered to the electorate.

In some cases parties need to have:

- offices in all regions of the country to establish a reasonable geographical presence in the various parts of the country;
- obtained a specific number of signatures supporting their registration to prove a minimum following among the electorate;
- proven that they are internally democratic before officially certified;
- signed a code of conduct specifying what they are allowed to do;
- submitted a political program;
- paid a registration fee.

The rationale for many of the requirements is to prevent parties from only representing:

- one ethnic group;
- one religious group;
- a particular geographical area.

One reason why parties and candidates must register is to ensure that party names and symbols are unique, which would otherwise cause confusion. Election author-

ities also need to know which parties and candidates are running for office, so that they can be included on the ballot. Some electoral systems, for instance open proportional list systems, often require that all names of the parties' candidates be printed on the ballots.

#### *12.2.3.1 Registration and Democratic Constraints*

Election administrators often express a number of valid reasons why registration of parties is important. However, this should not compromise or violate the basic democratic rights for registering parties. If the demands from the registering authority are too stringent, then people's democratic rights of association and right to stand for office could be jeopardised. Common techniques used to prevent smaller and less resource-rich parties from contesting the elections are:

- very high non-refundable registration fees;
- unreasonably large numbers of signatures from supporters;
- year-long leases of party offices in all regions.

As an observer it is essential to be well versed with the regulations governing registration of parties and candidates, and whether:

- the requirements to register a party and/or candidate are in conformity with other democratic principles necessary to hold acceptable elections, and should be enforced in a non-discriminatory manner;
- the registration exercise benefits particular parties or candidates;
- this could adversely affect the competitiveness of the elections;
- parties and candidates running for office adhere to the rules governing their registration.

Should all major players disregard essential rules, observers must record these violations. Not only is it essential for the evaluation of the electoral process, but should any legal processes emerge based on these violations, the mission must assess if all violators are prosecuted or only certain parties and their candidates.

#### *12.2.4 Delimitation of Boundaries*

When and how boundaries delimiting electoral districts should be reviewed is usually stipulated in the Election Law. In some countries the delimitation of the districts must take place before every general election, while other countries specify that it must take place within a certain timeframe. The law should specify the criteria guiding the redistricting activity. Population size is only one factor, and others include the level of infrastructure, population density, and administrative boundaries.

A good electoral system should discourage political manipulation. One way that parties and/or candidates can try to manipulate the outcome of an election

is by gerrymandering. *Gerrymandering* is the drawing of electoral district boundaries to favour a particular party or candidate.

In a representative democracy, election boundaries need to be redrawn from time to time, in order that each Member of Parliament or representative should represent approximately the same proportion of the electorate. As people move, reach the legal voting age, or are deceased, the electorate's geographical distribution changes over time. Redistricting normally takes place in the aftermath of a population census.

Countries using a FPTP single member district electoral system are especially susceptible to gerrymandering activities. The reason is that this system will generate large numbers of wasted votes (ballots cast for a non-successful candidate/party). The usage of large multi-member districts in PR systems almost entirely eliminates the benefits of redistricting.

One gerrymandering technique is called *cracking*. The objective is to reduce the support of a party by drawing the boundaries in such a way that the party's supporters belong to several districts rather than one district. The chances of this party's candidate getting elected are then significantly reduced.

Another technique employed to enhance the chances of becoming elected by using gerrymandering is called *packing*. If *cracking* strives to break up a political stronghold, *packing* intends to create a stronghold that did not previously exist. Thus, the boundaries of an electoral district are redrawn to bolster the support of a particular party and increase the chances of its candidate being elected.

### ***12.2.5 Ballot Design and Security***

The complexity or simplicity of the ballot directly affects the efficiency of the voting and counting process. The ballot should be designed in a manner that is easy to fill out. Observers should determine who printed the ballots, and what safety features are employed to preserve the integrity of the ballot prior to Election Day, in order to avoid duplication or illegal production of ballots – for example, how the packages containing ballots are numbered, and who signs for them during distribution. It should be noted where and how ballots are stored and distributed to the different regions, and at what time this was done prior to the elections. In instances where envelopes are used to authenticate a vote, similar observation should be carried out to ensure their security.

### ***12.2.6 The Appeals Process***

Possibly one of the most important aspects of the electoral process a mission will observe is the *legal appeals process*. For an election to be considered *legitimate and fair*, contestants should be able to seek reasonable legal redress for their complaints,



and the timeframe for such rulings should be sensitive to the electoral timetable, ensuring complainants are not adversely hindered in seeking election.

The adjudication of election disputes, often by the election administration in the first instance, with the right of appeal to the *judiciary*, is an integral part of the electoral process. The bodies charged with adjudicating on cases of disputed election results or procedures must be impartial in their decision-making and free from overt political considerations.

Typical issues for complaint include:

- **denial of the right to register to vote**  
eligible voters intentionally not registered or unreasonably restricted based on race, gender, religion, ethnic origin, political affiliation, language, literacy, property, or fee;
- **denial of the right to stand as a candidate/party in the election**  
inconsistent application of the law with respect to registration of parties/candidates;
- **complaints against activity of a party/candidate**  
undue suspension of parties/candidates or intimidation and obstruction during public meetings/rallies;
- **irregularities in the voting process**  
restricting the right of eligible voters to cast a ballot through misinformation (i.e. demanding unnecessary identification), absence of necessary voting materials, intimidation and/or voting delays;
- **irregularities in the counting procedures**  
disorderly counting procedures, ballot stuffing, ballot box switching, arbitrary invalidation of ballots cast, loss of ballot papers or boxes, dishonest counting or reporting, insecure storage of unused ballots, inconsistent regulation of invalid ballots.

#### *12.2.6.1 System for Legal Redress and Appeals*

The system for legal redress will vary from country to country, depending upon the type of electoral system in question. The number of times a ruling can be appealed varies, but a usual number of “instances” is two or three, with the first instance often being the responsible Election Commission or relevant level District Court, the second instance being the superior level Election Commission or Court and the third instance (where relevant) being the Supreme Court.

It is usual practice for there to be a *time deadline* for the submission of all complaints as well as for the issuing of a decision. Failure to meet the time deadline in issuing a decision is a serious matter as it can impact on the ability of a candidate/party to compete on an equal basis.

#### 12.2.6.2 *Collecting Information on Complaints and Appeals*

The mission should collect information on all appeals and complaints related to the electoral process. This can be done by establishing a good channel of communication with the NEA and by keeping in close contact with political parties/candidates and requesting that they send to the EUEOM any complaints and appeals. Useful leads can also be gleaned from media reports, though these need to be verified.

In order to acquire an overall picture of the types of problems occurring in the election and who is most affected by them, the information can be *entered into a database*, sorting entries by *type and identity of the complainant*.

The mission should identify key cases, such as those involving major political parties/candidates or those of a particularly serious nature. It is important that all aspects of such cases are fully understood, as they may be cited in press statements and final reports as examples of problems with the process.

#### 12.2.6.3 *Complaints and Appeals – Issues for Consideration*

- Did contestants have the right to *legal recourse* and for complaints to be heard?
- Was that legal recourse *credible* (in accordance with established procedures and time deadlines and international standards) and *impartial* (without political bias)?
- Did the legal process serve to create *equal conditions* among electoral contestants?
- Did the legal process suffer from *undue influence* by the government/executive authorities/other political forces?
- Were judicial rulings published and enforced?

## 12.3 The Election Campaign

The assessment of the election must provide for a thorough analysis of the election campaign, and whether or not the political will exists to implement the election with full respect for fundamental political and human rights obligations. An EUEOM will follow the campaign and assess whether the legislation was properly implemented to ensure a fair and equitable election campaign. A determination will need to be made whether or not particular parties/candidates faced impediments or obstacles in their endeavour to campaign.

In order to build-up a full picture of the election campaign, Core Team members and LTOs (in the regions) will *attend campaign rallies* and attend relevant *court cases*.

LTOs will also *hold meetings* with *political parties, candidates, local authorities, election commissions, court officials, media (for informational purposes only), and civil society organisations*.

### **12.3.1 Legal Framework for Campaigning**

The law should provide the *basic freedoms* necessary for an election campaign, with parties able to organise public rallies and conduct legitimate campaigning without undue hindrance.

- Does legislation and the general environment allow for freedom of assembly and movement which are fundamental for an election campaign?
- Does the law provide for an adequate and timely resolution of campaign-related complaints and appeals?

The law should also provide for an *adequate and timely resolution of campaign-related complaints and appeals* by parties and candidates, with timelines not impacting on a party's campaigning possibilities. The mission should check whether the due process was followed and whether adequate legal recourse is available to contestants. If necessary, senior mission members should also meet with the Minister of Justice and other relevant officials if the legal system is not meeting its responsibilities.

### **12.3.2 Environment for Campaigning/Content of Campaign**

- In practice, are parties/candidates free to hold meetings/rallies with voters?
- Are members of the public free to attend meetings of parties/candidates?
- Has there been an undue security presence at meetings, resulting in intimidation?
- Has there been any distinct pressure on minority groups attempting to campaign?
- Have there been any attempts at vote buying or provision of public goods and services in exchange for political support?
- What are the main political messages of the campaign and what are the platforms of the main parties/candidates?

Mission members should, wherever possible, attend campaign rallies and smaller meetings with voters. This will give them an insight not only into the levels of *freedom of assembly, movement and expression* but will also give them an insight into the dynamics of the campaign. LTOs should report on any undue activity by police or security forces at the meetings attended. All parties/candidates met by mission members should be asked whether they have experienced any difficulties in organising or holding such meetings with the public. LTOs should also use the

opportunity of attending such meetings to speak with *members of the public* and ask whether there have been any deliberate attempts to prevent them from participating at political meetings.

### Model LTO Rally/Campaign Meeting Report

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- Name of political party/candidate
- Name of province/district/commune
- Approximate number of attendees
- Were police or security personnel present?  
(if yes, give details of any excesses or restrictions)
- What was the main political message?  
(was party/candidate able to convey this message without interference?)
- Did any speaker use inflammatory language?  
(if yes, give details)
- Any other incidents or issues to mention?

By establishing a *coherent reporting framework* for LTOs, the mission staff will get an overview of the national political campaign, identifying main messages from the parties/candidates with the regional variations.

#### ***12.3.3 The Role of State and Media in the Election Campaign***

Campaign-related access to the media is usually determined in either the *Election Law*, *media law* or *associated instructions* issued by either an election commission or media institution/s. Such access is usually predicated upon one of two criteria: equal access for all election contestants, or equitable access for all contestants, dependent upon the number of candidates competing or the size of a party's representation in the out-going Parliament. *State-owned/public media* usually have a special responsibility for ensuring impartiality. From past observation experience, they can also be vulnerable to political partiality.

The job of an observation mission is to determine firstly whether the rules determining access are fair, and secondly whether they were implemented properly. On many missions monitoring of the media will be conducted by a specialist unit, which will carry out a full statistical analysis of the media's coverage of the campaign (See Chapter 13 below).

#### ***12.3.4 Campaign Resources and Financing***

An effective campaign needs sufficient financing. Campaign costs can include salaries, transportation, office expenses, the purchase of "space" in print and electronic media, and the printing and distribution of campaign materials. Legislation

will determine the means by which the campaigns of electoral contestants are funded. Campaign spending limits might also be legislated for. If the law provides for state support for campaign expenditure, parties should receive their funding in good time to allow them to conduct a viable campaign. It should also be checked whether parties from or close to the government have received extra support by virtue of their control of ministries. It is the responsibility of the government not to abuse state resources, both human and material, in support of its own candidates. Part of the general observation of the campaign must consider whether any parties/candidates have utilised state resources for the benefit of their campaign. This might include state offices, state employees, state vehicles, or direct illegal state funding.

### ***12.3.5 The Role of Police, Security Forces and Military***

The role of the police, security forces and military vis-à-vis the electoral process is one of the *most sensitive issues as well as one of the most difficult aspects of the process to observe*.

In most systems there is a designated role for the police and/or security forces or military in *providing for public safety* during the campaign and security on the day of the election. This may include: a general presence at public rallies to ensure crowd safety; the distribution of election materials; the authority to issue a certificate of permission for a public rally; a presence on the day of the election at each polling station; a security escort during the transportation of ballot materials from the polling station to the municipal/district/regional election commission; and the provision of special barrack-bound polling stations for the security forces.

- Security presence should be moderate where possible, adequate to the task and sensitively handled. Observers should note: 1) the *scale of the presence* in relation to the need, and 2) *the conduct* of the security presence.
- Observers should be aware of any problems surrounding campaign meetings – for example, security forces preventing people from participating in meetings and rallies, through roadblocks or other measures. In the event of such a claim, observers should meet with the relevant party/candidate to get their first hand account, and should then meet with police/security forces to get the official report. Such reports are serious and should be forwarded to the Core Team.
- In cases where the military/security forces are given a responsibility to *distribute election materials*, either from the national election commission to the regional commissions, or from the national commission to a regional collection point, observers should seek to observe. Such an observation will entail gaining the distribution timetable from the national election commission or

relevant authority and either pick a sample number of deliveries to observe, or ensure observers are present at the point of delivery and storage.

- *Permission for public rallies* is usually given by the local municipal authority. However, in some instances it is given by local police authorities. There is normally an onus on the authority to issue or deny such a request within 24 hours. Observers should keep in close contact with parties/candidates, and follow-up on claims that permission had been denied or not given in adequate time, by getting copies of relevant paper work and holding a meeting with the police to ask for the official reason for the denial or delay.

## 12.4 Indicative Guidelines for Long-term Observers

These guidelines are indicative of the type of information that the LTOs will need to gather and assess. During the EUEOM, the Core Team will request the LTOs to take particular interest/notice of certain aspects of the campaign or organisation of the election. For example:

### 12.4.1 Meetings with Political Parties/Candidates and Domestic Observer NGOs

The purpose of such meetings is to find out about the electoral campaign in general, any comments – positive or negative – expressed by any particular party, candidate or NGO on the conduct of the campaign. The LTO can also use this opportunity to find out about any major campaign events planned in that area.

- a) Were there any problems regarding the registration of parties/candidates?
  - Collect documented evidence where possible.
- b) Problems during the pre-election campaign?
  - Denied access/lack of assistance to hold public meetings or rallies;
  - Supporters being intimidated or threatened;
  - Campaign funds being withheld or obstructed;
  - Posters or flags systematically taken down.
- c) Fair access to the media?
  - Do parties/candidates/NGOs feel there is fair access to the printed and electronic media?
  - Do parties/candidates/NGOs consider that the media coverage of the campaign is objective?
  - Do parties/candidates/NGOs feel that there is bias in the media either for or against a candidate/party?

- d) **Do parties/candidates/NGOs have an opinion on the election law, regulations and procedures?**
- What are the objections to the law, regulations and procedures?
  - Are there positive comments about the law, regulations and procedures?
- e) **What is their opinion of the election administration – local and national?**
- Do parties/candidates/NGOs have representatives on or have access to meetings of the election administration?
  - Have they made any complaint to or about the election officials? When was the case, and what was the outcome?
- f) **Do they feel that the public officials are biased or involved in the political campaign?**
- Does the party/candidate/NGO have any complaints about the local public officials?
  - What is the nature of their concerns (documentary evidence)?
- g) **Concerns about Election Day/s?**
- Which areas are of particular concern and why?

#### ***12.4.2 Meetings with Election Commissions/Authorities***

The election administration has considerable authority and responsibility. Not only does it administer the elections, but it will also normally have powers to hear and resolve complaints about lower election commissions/officials and about the conduct of the elections. These guidelines are indicative of LTO activities and the type of information that LTOs should request.

- a) **Introduce the EU Election Observation Mission**
- Explain the purpose of the EUEOM – that the EUEOM is accredited to observe the entire process and has LTOs deployed throughout the country.
  - Explain that the EUEOM is neutral and that all observers must abide by the Code of Conduct.
  - Ask if the election administration has been given any instructions regarding the EUEOM.
- b) **The work of the Election Commission**
- Ask general questions about their work.
  - Problems they have had during the election period?
  - How do they liaise with the parties/candidates, other levels of the election administration, and other relevant bodies?

**c) Electoral Registration**

- How are the registers drawn up? Who is responsible? etc.
- Quality of the registers?
- Are the lists open for public scrutiny? Can LTOs review the list?
- Have they received any objections?

**d) Nomination of Candidates**

- What are the procedures and have they been followed?
- Were any nominees refused the right to stand as a candidate? Ask for reasons and if it is possible to have them in writing.

**e) Election Disputes and Complaints**

- Have they received any complaints? When were they received and what action has been taken?
- What is the procedure they follow when resolving disputes?

**f) Appointment of Polling Station Officials**

- How are the polling station officials appointed and when?
- What training will they receive and when?
- Number of polling stations in the area? Is the list of polling stations published? Are copies available for domestic observers/NGOs?
- Other relevant information regarding the set up of the polling stations.

**g) Election Day/s**

- Inform the officials that observers will be present throughout the polling day and that they also will observe the counting and aggregation of results at the counting centres.
- Do they foresee any problems on polling day?
- How will the results be processed?
- Where will the results for the area be published?
- How will the results be forwarded to higher election authorities?

**12.4.3 Guidelines for Observation of Election Disputes and Appeals**

To observe election disputes the LTO should find out:

- Who is the plaintiff and who is the defendant in each case?
- What is the nature of the dispute and when will it be heard?
- What is the legal basis of the complaint?
- If the complaint is to be heard by a court, has the case been allocated a number by the court?
- What was the decision, including any legal interpretation?



- If the plaintiff or defendant intends to appeal the decision, will the appeal be heard by a higher election authority or court? If possible, obtain a copy of the actual written decision/resolution.

#### ***12.4.4 Meetings with Public Officials/Police***

The LTO should introduce himself/herself to senior public officials/police in his/her area of responsibility. The purpose of these meetings would be to introduce the mission and its mandate (see above).

Ask the officials /police about:

- security arrangements;
- local conditions and issues;
- whether there are any tensions in the region/area and why;
- what role, if any, they would play during the election;
- if they have any areas of particular concerns.

## 13. Media Analysis

Unimpeded access to the media on a non-discriminatory basis is a prerequisite for a meaningful democratic process. The electorate must be given the opportunity to make an informed choice concerning the political contestants, and this requires that all political viewpoints be fairly and equitably communicated. The Media Analyst/s is able to provide an accurate assessment of the media, through measuring access to print and electronic (television and radio) media, and can thus determine whether or not there was fair and equitable access to the media during the election campaign.

While the focus of this chapter is largely on monitoring television media, the same principles can also be applied (with some adjustments) to radio and newspaper coverage. If there are more than three local analysts, radio could be recorded. The local team of analysts will read the major newspapers and magazines every day, and possibly will monitor them. However, whether or not radio and print media are systematically monitored is contingent upon the particular situation in each country.

Media analysis is based on an objective methodology. The responsibility of the international Media Analyst/s, therefore, is to:

- acquire knowledge of the media laws and regulations of the host country;
- acquire knowledge of the mass media situation at national/regional levels;
- establish a media monitoring plan based on a tested methodology;
- provide the mission with regular updates on access to the media for all contesting candidates and/or parties.

### *Acquire Knowledge of the Media Laws and Regulations.*

The following documents are essential for the Media Analyst/s to review:

- the constitution of the host state, with particular attention to the articles on freedom of expression;
- the law on mass media, or public information law, if in fact there is such legislation;
- the election law with particular reference to the articles dedicated to the media regulation of the election campaign;

- any rules and regulations pertaining to media that may have been issued by the election administration of the country;
- information on other laws, such as the law to broadcast, law on frequencies, or law on telecommunications (while not essential, they will help the Media Analyst/s to better understand the media situation in the host country).

***Acquire Knowledge of the Mass Media Situation at National/Regional Level:***

- audience ratings and coverage in the country for TV and radio stations;
- circulation and distribution of newspapers;
- local research on media covering elections and politics;
- assets and ownership of media companies.

In order to get a picture of the media landscape, the Media Analyst/s will meet directors, editors-in-chief, publishers, managers, journalists, technicians of TV and radio stations, newspapers, news agencies, unions at local and national level, domestic or international NGOs with media related projects. In addition, it is useful to meet representatives of public institutions, such as ministries, media commission of the Parliament, and representatives of the NEA. It is of course useful to meet with the parties/candidates concerned, in order to better understand the political context of the particular election.

The general questions of the Media Analyst/s can be focused on: audience ratings and coverage; circulation and distribution of newspapers; hours of broadcasting and frequency of printing; media ownership; numbers of employees and journalists; branches, frequencies of broadcasting; use of news agencies.

Specific questions on the coverage of the elections may include:

- Type of coverage of the elections: e.g. debates, interviews, free and paid political programmes, voter education?
- Free airtime and free space: if any, how much? Was it provided to all contestants and in what order?
- Paid airtime and paid space: how much? Who pays for it (candidates/parties)?
- Is it reimbursed by the state? On the basis of which documents?
- Is the advertising cost prohibitive or discriminatory?
- Opinions on campaign-related media regulations and media conduct during the campaign. Did the media support any party or candidate?

Questions of general opinion on media in the country, such as:

- Level of development, independence, and professionalism of journalists, technical issues (e.g. distribution of licenses and frequencies)?
- Are the regulatory bodies doing their job properly and supporting freedom of expression?

- What is the role of the state and of the political parties vis-à-vis the media?
- What are the problems faced by the journalists (e.g. censorship, self-censorship, intimidation, harassment, physical harassment, tax inspections, technical and financial disparity)?
- Are financial measures, such as tax inspection, used to limit media coverage?

### 13.1 Media Monitoring Methodology

At the end of the election campaign, the Media Analyst/s should be able to answer the following basic questions:

- Did media provide voters with sufficient information to make an informed choice?
- Were the political parties able to present their platforms to the electorate through media?
- Did all political parties or candidates have access to state and private media?
- How impartial were the state media?
- Were the private media objective? If not, what were the respective political biases?
- Was there bias in the main news programming and for whom?
- Did all/most parties or candidates take out adverts?
- What were the examples of innovative TV coverage, such as debates?
- Were voter education programmes sufficient to effectively and accurately inform the electorate about the voting process?
- What level of coverage or visibility did the EUEOM receive?
- Were the tone and content of EUEOM statements concerning the election process accurately reflected in the media?

The communication of a political message relevant to the election is only taken into consideration, when candidates and/or political parties are able to convey their message first hand. In terms of television coverage, this means that they be explicitly shown.

#### *Recruitment and Training of Local Analysts*

The Media Analyst/s must identify, train and co-ordinate a team of local assistants, who are committed to an impartial approach. After having decided the time bands to track and record, the group of locally selected analysts will be trained by the Media Analyst/s who will instruct them to:

- watch TV with attention to detail;
- be familiar with the political issues;

- recognise faces and know names and positions of politicians and relevant persons;
- constantly inform the Media Analyst/s about relevant issues.

Under the direction of the Media Analyst/s, they will watch the recorded tapes and find the relevant portions of broadcasting, for example news coverage or candidate/party broadcasts. Then the local analysts will calculate the explicit time dedicated to each relevant actor: members of the government, candidates, political parties, political competitors, and so on. The local analysts will also decide if the tone and message gave favourable, neutral or negative coverage of the relevant actor/s. The data will be entered into a database and processed, producing tables or charts showing in percentage the time and the tone of the time for each candidate, political party or other relevant actors.

### *Determining Other Relevant Actors*

The second most important ingredient is to determine less obvious relevant actors and their political affiliation. For example, if the president of the National Bank has close connections to the government, it may be considered pertinent to measure the coverage of her/him. However, if s/he is not a member of any political party, then s/he may not be considered a relevant actor. Once a decision has been taken on relevant actors in the political process, the media analysis will be consistent with this decision. Generally, the final results of the media monitoring will show the distribution of time among all relevant actors according to their political affiliation.

### *Covering a Coalition Government*

If there is a coalition government, and the campaign reveals a difference of opinion among the parties participating in the government, it should be determined whether the coalition parties affiliated with a minority viewpoint are considered to represent the government opinion, and calculated as government time. This issue is applicable not only to legislative elections, but also to presidential elections and referendums. In general, all coalition parties should be considered members of the government, and their coverage allocated accordingly. However, a more specific analysis can be produced to determine how minority viewpoints were covered.

More specific analysis is recommended for Ministers when they speak in their capacity as government representatives, and when they talk as politicians from their respective party in election campaigns. If Ministers act as politicians, local analysts should be instructed to consider them as members of the government, and if necessary to produce a more specific analysis. For example, if a Minister is present in a political party broadcast, s/he will be categorised as a government representative

accordingly, and this allocation will be calculated within the overall coverage granted to the government. However, in the detailed secondary analysis of the programme, the Minister representing a party will be reported as member of that party. This will enable an evaluation of all the competing parties.

### *Calculating Time*

The simplest way to calculate time is to make a distinction between the time when a candidate, party representative or other relevant actor talks (and you can hear her/his voice) and the total time dedicated to her/him. For example, in terms of total time, the analysts will calculate the length of a news item on a relevant subject. For direct speech, the analysts will calculate the length of her/his interview, if any. This means that calculated time for direct speech cannot be bigger than figures of total time, and that the time of direct speech is included in the total time. Assessment of the tone will be done for each total time.

When a journalist or a programme dedicates time to more than one candidate, party representative, or other relevant actor, the analysts will calculate precisely the amount of time for each politician. If a sentence or a paragraph is equally referred to for example two persons, the time will be divided into two. However, if during an interview a politician talks about another politician, that time will not be calculated for the second politician. This means that the total time will be the time that non-relevant subjects, such as journalists, dedicate to politicians.

### *Tone*

The time counted for the relevant actor might be positive, neutral or negative. The local analysts will take into account any evaluation on the relevant subject made by any speaker in any program and the tone of the news item on the relevant subject. For instance, positive evaluation of politician X would be recorded as positive time. Mentioning politician Y in a story about corruption counts as negative time, even if there is no disapproval expressed by the speaker. Reporting a meeting between two politicians might count as neutral time for both.

### *Operational Steps*

The Media Analyst/s should explain to the mission:

- which media are to be monitored and why;
- which time bands are to be monitored;
- the methodology to be used;
- which software is needed for the data entry;
- which layout is to be used for the data collected;
- whether monitoring is necessary at regional level;

- whether specific issues should be monitored (voters' education, visibility of the mission, hate speech, women representation, ethnic issues etc.).

The task of the Media Analyst/s is to give an assessment on the status of the media in the host country. If only news is monitored, it will probably be impossible to describe the campaign outside specific news programmes. Therefore, it is suggested to monitor from 4 p.m. to midnight, using a common video recorder with long play (LP) mode.

Concerning the collection of data, the Media Analyst/s will decide which fields must be taken into consideration for the matrix. The findings can be presented as charts and/or tables, and explained with a brief description of the results for each monitored media.

The second operational step concerns setting up a monitoring unit. The logisticians together with the Media Analyst/s will:

- secure the equipment (TV and radio sets, videotapes, subscription to newspapers and news agencies);
- solve technical problems (transmission of signals, LP mode for recording);
- interview, hire, and train local analysts.

## **14. Short-term Observers**

### **14.1 Central Briefing for STOs**

Short-term Observers (STOs) should be provided with an STO Guide upon arrival which will give specific information about the host country and the context of the election to be observed (see table below for table of contents model). It is important that the guide includes enough information to be informative, but is not too long (on average 30–50 pages) given the short time STOs have to assimilate the information and the limited task they have. This problem can be partially overcome by making information available on the Internet for observers to check prior to arrival in country.

#### **Model STO Guide/Table of Contents**

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- 5 Electoral and administrative frameworks
- 6 Voting and counting procedures
- 7 Short-term election observation
- 8 Information: logistics and finance and security (where required)
- 9 Appendices (some of these may be produced separately from the main guide)
  - a Relevant legal texts*
  - b Overview of registered political parties/candidates*
  - c Contact telephone numbers and addresses*
  - d Election terminology*
  - e Map*



The STO briefing is an extremely important event, as it will probably be the first time all the observers are brought together and the first real contact they have with the mission. As with the STO Guide, it is important to allow enough time for the briefing to provide adequate information, but also to keep it reasonable in length and focused. A model agenda for a one day briefing follows:

### Model One-Day STO Briefing Agenda

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09.00	Welcome and introduction to the EU Election Observation Mission
09.30	Political overview of the elections (possibly in roundtable or split group format)
1 1.00	Break
1 1.30	Social and cultural background
12.15	Lunch
13.30	EU approach to election observation, including Code of Conduct
14.00	Observation techniques (including interactive work with audience)
14.45	Election procedures and observation reporting
16.15	Break
16.45	Logistics, communication and deployment information
17.15	Security and health
17.45	LTOs regional briefings (may be held in regions – see below)
18.45	Close

## 14.2 Regional Briefings for STOs

If the LTOs instruct STOs at the central briefing, they should preferably follow this up at the local briefing in the area of deployment, giving some additional local context.

The main tasks for the LTO briefing are to ensure that STO teams:

- are fully resourced, in terms of driver, interpreter, communication means, accommodation, necessary written materials and report forms;
- have a clear understanding of the details of their area of deployment and the task to be carried out;
- clearly understand how and when to return their report forms;
- feel familiar with the political, electoral and social environment in which they will be working;
- fully understand any security issues and health information.

The LTOs should hand over the regional reports to the STO teams. This document will be the main deployment document, as it will contain all necessary information on the STO area of responsibility and logistic support (such as contact details, accommodation, interpreter and driver etc.). It will also contain important local political, social and electoral information. The briefing provided by LTOs should be based on this document.

### 14.3 Deployment of Short-term Observers

STOs normally arrive shortly before Election Day and stay for a short period, usually no more than 7–10 days. They join the mission primarily in order to observe the voting and counting procedures as well as the regional tabulation of votes and the post-election environment.

Just *prior to the day of the election*, a press release should be issued giving details on the number of observers being deployed over the election period, the nature of their work and the prospective timing of the post-election press conference (if known).

After being briefed in the capital, STOs will be deployed throughout the country in teams of two persons of mixed nationalities and gender where possible, providing the mission with as widespread and visible a presence as possible around the country. At this time, the STO group is effectively broken down into regional units, under the guidance of their respective LTOs. STOs are deployed in order to realise a strategic geographic coverage on Election Day/s, and care should be taken to ensure that each area gets a good “cross-section” of STOs in terms of nationality, gender and experience.

STO deployment entails the *same six points as for LTO deployment described in Chapter 11.2*. However, it is also important to take into consideration the need for a good overall reporting structure, giving the mission thorough sample coverage, as well as ensuring an *urban-rural balance* within regions.

From the perspective of a *statistical approach to deployment* the locations could arguably be picked at random. However, for operational purposes and in the interest of achieving the type of coverage outlined above, this is invariably not the case. In determining STO deployment areas, LTOs will seek to ensure maximum coverage of their area, whilst also covering general problem areas (even targeting specific polling stations if required).

For the observation of the count, if conducted at polling station level, STOs may be assigned specific polling stations by LTOs or may be instructed to use their own discretion based on their observations during the day.

## 14.4 STO Report Forms

For statistical analysis, observers are equipped with polling station checklists designed on a country specific basis. This provides a statistical analysis of the Election Day/s at polling station level, and their analysis should quickly reveal whether or not Election Day/s irregularities are systematic or isolated. STOs will complete a report form for each polling station visited. The STO report form is a vital document, and will determine what information is extracted from Election Day/s observation. The design of the forms can also determine the quality of the observation, as many STOs rely upon them for guidance through the process.

### *Report Form on Voting Procedures*

In terms of the form for the observation of voting, there are a number of approaches that can be taken, ranging from a targeted one-page form to a multi-page form covering the process in step-by-step detail. Whatever model is chosen, it is important to consider what to do with the information. There is no point in collecting information on issues, which are not pertinent or relevant. Attention must also be given to the technical infrastructure in the country and what the possibilities are for returning the forms.

### Model STO Report Form on Voting

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- 1 Observer team details
- 2 Polling station details – such as the number of registered voters and the number of persons voting so far
- 3 Environment outside polling station – including comments on any campaign activity
- 4 Environment inside polling station – including comments on the organisation of the room and any intimidation
- 5 Opening procedures (in some instances a separate form for opening may be used)
- 6 General voting procedures – step-by-step questions following the prescribed procedures
- 7 General assessment – a simple “grade” for the process in each specific polling station
- 8 Comments

## 14.5 Indicative Example of Election Day Checklist

The checklist below is *indicative* and must be *adjusted* to country specific conditions.

<b>Polling Station Report</b>		
<b>Observer team</b>		
Names/initials		
Team number/Accreditation numbers		
<b>Polling Station</b>		
Electoral district		
Polling station name/number		
Type of station		
<b>Time of visit</b>		
Arrival of team		
Number of voters registered at the station		
Number of voters voted		
Departure of team		
<b>Before entering the polling station</b>		
<i>Please assess the general atmosphere. Listening to voters and other bystanders will be helpful.</i>		
<i>Please specify details on back of form.</i>		
Was the polling station difficult to find?	Y	N
Was the physical access to the station difficult?	Y	N
<i>Did you observe any of the following:</i>		
Intimidation of voters?	Y	N
General agitation and disturbance?	Y	N
Campaign posters and materials?	Y	N
Campaigning activity?	Y	N

**Inside the polling station: People present, polling environment***Please specify details on back of form.*

Members of the Election Commission  
 Representatives of parties/candidates  
 Domestic observers  
 Media representatives  
 Security forces  
 Unauthorised people  
*How many?*  
 Which parties?

Was the polling station overcrowded?	Y	N
Was there campaigning inside the station?	Y	N
Was there campaign material inside the station?	Y	N
Was the information displayed for voters correct and complete?	Y	N

**Inside the polling station: Voting procedures***Please assess each step in the voting procedure in turn.**Please specify details on the back of form.*

Problems with identification?	Y	N
Problems with registration?	Y	N
Ballot papers/documentation not signed/marked/stamped?	Y	N
Insufficient or wrong ballot materials?	Y	N
Booths not secret?	Y	N
Voting outside booths?	Y	N
Was more than one person in a booth at once?	Y	N
Problems with assistance to blind/illiterate voters?	Y	N
Ballot box not sealed properly?	Y	N
Ballot box not visible by Commission?	Y	N
Other problems?		
Approximate time taken to process one voter		
<i>Any questions about mobile ballot boxes?</i>		

Family voting observed

Y N

*Please specify details on back of form*

### Disruptions of polling

*Please specify details on the back of form*

Had voting been suspended at any time?

Y N

*Please specify details on the back of form*

### Irregularities reported to you

*Please enter here details of any irregularities in polling or campaigning reported to you, and of who reported these irregularities. Ask party representatives, voters themselves, domestic observers, and members of the Election Commission. Please note also whether you have been able to verify any of these reports.*

### Important

*Please take time in the car to discuss your impressions of the polling station and fully complete this form. In particular, please enter the details of anything you saw or heard that appeared irregular or otherwise noteworthy.*

### Details and comments

### Overall impression

*In general, the conduct of the poll at this station was*

Very bad

Bad

Good

Very good

*Source: OSCE/ODIHR Election Observation Handbook, Warsaw, 1996*

### ***Report Form on Counting Procedures***

The report form on counting procedures can vary. From a basic one-page form collecting information on a limited number of issues together with the basic results to a longer format report including more detail on procedures and results.

The choice between these formats will depend on the methodology used by the mission as well as an appreciation of the standard of communication facilities. In some circumstances the mission will collect official copies of the protocols direct from polling stations. However, if these are not available, observers may be asked to collect the results and associated count information.

### **Model STO Report Form on the Count**

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- 1 Observer team details
- 2 Polling station/counting centre details
- 3 Closure of the polling station
- 4 The counting procedures – step-by-step
- 5 Assessment of the count
- 6 Count figures
- 7 Results

### ***Regional/Constituency Commission Reports***

In cases where STOs are instructed to attend proceedings at the Regional/Constituency Election Commission, a report form should be drawn up. The content of the form will vary enormously depending on how the law regulates the work of the Commission and what the mission is interested in. However, in broad terms, the main questions the mission should consider are:

- Were polling station protocols properly received?
- Were the protocols tabulated in an orderly and credible manner?
- Were there any disagreements within the Commission?
- Were all parts of the process transparent, and did accredited observers have satisfactory access?
- Are there any questions regarding the legitimacy of the process?

# 15. The Election Day/s – What to Observe?

## 15.1 Voting Process

Polling procedures vary from country to country. However, certain procedures are fairly common and the approach of observers to the process in the polling station remains constant. On the basis of this, the following guidelines can be offered:

### General Observation Techniques and Etiquette

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- Introduce yourself to polling station Chairperson
- Be polite and do not interrupt process
- Find suitable place from which to observe process
- Approach table and check Voters' List if required
- Speak to other observers – note their comments, but not as your own observations
- Do not speak to voters inside the polling station
- Do not give instructions
- If you see a serious violation – diplomatically bring it to attention of Chairperson
- Do not give direct advice or instruction – refer to law if necessary
- If you meet other international observers at polling station – move on to another polling station
- If you are refused entry/information/freedom of movement – remind the polling station officials of the law, but comply with their wish. Note on form and report to mission at convenient time. You might also raise it with relevant district commission
- In general remain at least 20–30 minutes at each polling station
- Report observation in the agreed upon format and within the agreed upon time-frame.



The following General Guidelines for EU Observers when visiting Polling Stations are outlined in Council Decision 9262/98<sup>1</sup>:

- Introduce yourself to the Chairperson of the polling station when you arrive. Establishing a working relationship with the Electoral Commission will assist your observation, and is particularly important for the count;
- Comply with the instructions of officials at the polling stations. If you are dissatisfied with the official instruction, record the circumstances on the appropriate observation report;
- If an official prevents you from doing something which you believe you are entitled to do, point this out. Refer if possible to the relevant provisions of the law;
- Avoid confrontation with security personnel;
- Be prepared to present your passport and accreditation to any officials who request them. Keep these documents with you at all times;
- Maintain complete impartiality at all times;
- Treat all information received in confidence;
- Avoid disrupting the voting and counting process;
- Under no circumstances should you handle official election documents in the polling station or physically assist the voting or counting process;
- Do not use or carry photography, video or recording equipment when undertaking your duties as an observer;
- Be prepared to note your conversations and comments made to you. Ask questions and in particular ask for concrete examples when general statements are made;
- Do not attempt to take an active role in resolving any disputes or complaints, even if asked to. Your role is to observe and record events at the polling stations;
- Record any complaints made to you on the appropriate observation form, including details of the complainant: name, organisations (where relevant), and address;
- Exercise restraint if offered food and drink at polling stations;
- Be conscious that your conduct is likely to be closely observed. Try not to be enthusiastic or overtly friendly if you meet a candidate's proxy or representative whom you already know;
- Try not to give the impression of rushing from one polling station to another.

### ***15.1.1 Voting Issues for Consideration***

• **Opening.** Observers should be present prior to the opening of a polling station, to observe the opening procedures. Of particular importance is the proof that the *ballot box is empty prior to being sealed*. It is also important to observe that *authorised domestic observers* and *party observers* are also afforded their rights.

- **Identification.** Invariably voters are required to *prove their identity* by showing a passport or ID or some other form of identification. Sometimes a specific Voter Card is distributed to the electorate as the sole means of identification acceptable at polling stations. Observers should be familiar with the permissible forms of identifying document.

In most new democracies voting must be in person and secret, with no proxy (for absent persons) voting allowed. Observers should be highly vigilant in checking that a person is only presenting their own identifying document and thereby only receiving their own ballot paper/s. Observers must also look out for family (group) voting, whereby the “head of household” leads other family members through the process, often by taking control of identifying documents and even marking, or at least giving instructions to other family members about marking the ballots. These two practices remain among the most serious problems in new democracies, and particularly tend to compromise the rights of women voters.

- **Voters’ Register.** After presentation of the *identifying document*, the responsible member of the Election Commission will find the name in the register, confirming their eligibility at that particular polling station.

Observers should verify that the Commission is only allowing *registered persons* to vote. Observers can check that names are being searched for, rather than a straightforward acceptance of the identifying document, or could stand by the Commission and discreetly verify that the names are on the register (get approval of Commission before doing this)

The Voters’ Register should include all qualified citizens. The lists have to be updated regularly and the number of errors should be low. If there are serious allegations about the quality of the register, a thorough investigation may be needed. If the quality of the register does not meet minimum standards, a decision should follow either to postpone the elections or to create special arrangements on Election Day/s to enable voters to cast their ballot whose names do not appear on the Voters’ Register. On occasions, when certificates are used to permit transfers to a polling place, there must be adequate security to avoid duplication or counterfeiting of the cards.

Observers should note any pattern of disputed cases of voter registration.

- **Safeguards.** It is common for the Voters’ Register to be marked in some way, indicating that the person in question has voted, possibly with a *voter signing the register*.

If a voter is *unable to sign* because of a physical disability or the inability to write, then there will likely be a provision for them to be assisted in voting, either by a voter of their choice or a member of the Commission. It is important to observe this, checking that the voter is not *being intimidated into being assisted*.

In some systems, a finger of a voter will be *marked with indelible ink* after they have voted, to prevent them from voting again somewhere else. In such cases observers should verify that the fingers of voters are indeed being inked. Observers should also check that the fingers of new voters are being checked for ink at the polling station to prevent multiple voting. If the ink is of poor quality, it is easy to wash off and try to vote again, so observers should always question the quality of ink when in use as a voting control.

- **Mobile voting.** The election law often regulates *mobile voting* in order to allow the *disabled, ill or elderly citizens* to exercise their suffrage. Mobile voting may be difficult to observe, especially when it is carried out in advance of Election Day/s. In most instances, eligible voters wishing to cast their vote in this manner will have to make an official request to election officials. Mobile voting can also be used when hospitals do not have their own polling premises. In such a case, patients will be visited by the Commission from their closest polling station (providing that they submit their application to the relevant election body).

- **Prisons.** In some countries voting by prisoners is not foreseen in the law. However, when prisoners are allowed to vote, the observation of the voting process in prisons is often sensitive and problematic. Observers are not automatically entitled to observe in prisons. National authorities often *restrict the observers' rights for security reasons*. However, in practice, even with permission, observers can be refused access to the prisons by guards. In such a case, observers should refer to the law or the relevant Election Commission to try to gain access. If they are still refused access, this should be the reported observation.

- **Military.** In many countries, military personnel are entitled to vote at civilian polling stations. This is obviously the opportunity to observe military voting. However, voting may also be organised in the barracks, which may be difficult to observe. However, observers should make arrangements to try to observe military voting in barracks, recognising that the government may cite national security constraints to observer activity. In some countries, military voting takes place in “closed areas” and ballot papers are then transported to the Election Commission to which they belong. If so, observers should pay extra attention to ballot papers from these “closed polling stations” at the regional level during the tabulation process. Military voting can also be organised through mobile voting or by early voting at a specifically designated polling station.

- **Turnout.** Observers are often requested to gather information as to the number of registered voters on the voters' list at a specific polling station. In addition, obser-

vers have to note the number of persons who have voted up to the time of their visit. On the basis of this, it will be possible to calculate the turnout rate during polling day in the precincts observed. An aggregation of all these figures will result in the observed turnout during polling day. A further inspection of the data may help identify irregularities regarding reported turnout figures.

- **Security.** The level and nature of the security presence at polling stations is important to note. STOs *must* report any intimidation of voters or interference with the process by security forces.

- **Assessment.** In most instances, STOs will be given a report form to be filled in for each polling station they visit (see sample in Chapter 14.5). All observations and irregularities should be noted and reported. Briefing materials will be provided detailing the polling procedures for the election in question.

Whilst observers should note all technical irregularities, it is vital to bear in mind the broader issues, which the mission is most concerned with, taking account of whether the violations were of a more technical nature, and would not have an effect on the result, or whether they were serious enough to make you question the integrity of the process in that instance.

## 15.2 Counting Process and Aggregation of Results

### General Observation Techniques and Etiquette

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- Arrive at final polling station at least 20 minutes prior to the closure and remain until the end of the count.
- Get close enough to the count to see the ballots (if the law provides for this), but do not disrupt the process or handle ballots.
- Do not give opinions on the question of validity of ballots.
- If the mission has asked the observer to collect copies of count protocols (if the law provides for this) remember to do this as it is extremely important if the EUEOM is planning to check the overall tabulation process.
- Be prepared, as the count may take some time and you may not always be permitted to leave and then to re-enter!
- If possible, and if required to do so, follow ballots to the Regional Commission after the count.

### 15.2.1 Counting Issues for Consideration

- **Accounting.** At the end of voting and before the ballot box is opened, most laws will require Election Commissions to take account of the number of unused ballots and determine the number of persons indicated in registers as having voted. This will, in theory, prevent some manipulation of the votes casted, as it will determine the maximum number of votes available

- **Ballot box.** Prior to opening the ballot box, the Election Commission is normally required to confirm to all present that the seals are still intact. Observers should pay close attention to this.

- **The count.** Observers should pay attention that the number of ballots in the box is properly determined. During the sorting of the ballots, or during the count for party totals, ballots which appear to be invalid will be separated. Observers must assess whether this determination was fair and impartial or not. The most important factor is that the ruling is consistently applied.

When the vote tallies for each party/candidate are determined, observers should assess whether the declared totals were reasonable or whether they were fabricated. Pay attention to the count, and ensure that ballots are properly counted and that votes for one party/candidate are not “transferred” to another party/candidate or that votes cast for a particular candidate/party are not invalidated.

- **Reconciliation.** Following the count, the Election Commission will often be required to carry out a number of reconciliation tasks, such as ensuring that the number of valid plus invalid votes does not exceed the number of voters indicated on the register as having voted. Observers should follow the reconciliation process, as it will highlight any shortcomings in the count or during the vote.

- **Protocols.** After the count has been completed, the protocols should be filled in and any statements of complaints are normally attached at this stage. Observers should observe that the protocols have been completed and that members of the Commission unhappy with the process are able to express their dissatisfaction. Observers should take careful note, or get official copies, of any formal complaints.

- **Assessment.** When asked to make an assessment of the observed count, it is important for observers to differentiate between technical shortcomings, which should be noted and corrected in future, and serious/deliberate irregularities which undermine the integrity of the count and result.

### 15.2.2 Aggregation of Results

The process for the aggregation of results depends on whether the ballots are counted at the *polling station* or a *regional counting centre*. It is also dependent upon whether the election in question is based on a single *national constituency* or *regional constituencies*. Depending upon the system, protocols can flow from polling station to District Election Commission to Regional Election Commission to National Election Commission, with results aggregated at each appropriate level.

LTOs will either *designate teams of STOs* to cover the work of Election Commissions in particular regions, or take responsibility for covering a particularly problematic/important commission themselves. It is of great help if observers have already met with the chairman of the Commission, as on the night s/he is likely to be extremely busy. At the Regional Commission observers should identify the place where protocols are submitted for checking and the data entry room (if applicable). It is also helpful to have an idea of the *planned timetable for the work* to help plan the observation.

It is important to consider whether protocols/ballots are taken into a part of the building where observers and agents are *not allowed to follow*. Likewise whether *protocols are being changed* by either polling station or district/regional commissions or, whether *complaints* are raised by party representatives or domestic observers. Observers should attempt to get copies of the Election Committee protocols and any complaints.

For the sake of transparency, it is best when the vote count takes place at polling station level. Any counting system in which the ballots are not counted at the polling station but transported to a central counting location, produces significant problems for transparency and verification. However, in the event that the vote count does take place at a regional centre, STOs should attempt to accompany the delivery of materials from the polling station to the regional counting centre. It is important to be able to verify that the ballot boxes were not tampered with, and were not diverted to an unauthorised location prior to delivery to the Regional Commission. In doing this, STOs should travel independently, wherever possible, and not in the transport of the authorities.

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1. For further information, see the Council of the European Union website: <http://ue.eu.int/index.htm>

## 16. Statistical Analysis of STO Report Forms

STOs fill out a report form for each polling station visited. The LTOs will have established a communication structure to ensure that the forms can be either communicated back to the central office during day and night, or can be tabulated regionally. The central statistics team will work through the night to enter all the forms into a series of computers taking account not only of the 'yes' and 'no' answers but also more significant comments. A full statistical analysis of the reports will be produced, on both a national and region-by-region basis wherever possible. The Statistics Analyst will be tasked with producing *a quick and reliable overview* of the reports provided by the STOs on the conduct of the voting and the vote count. The Core Team will also scrutinise the comments for any significant violations.

This data will form the basis of the de-briefing of observers and will represent the foundation on which the mission will assess the conduct on Election Day/s. Given the significance of the report form analysis, it is imperative that observers fill them out carefully, ensuring forms are comprehensible and that identification questions, such as team number and polling station number, are carefully completed. If the mission is able to receive forms back in good time to produce a full statistical analysis, it enables the Statistics Analyst to ensure that the data is cleaned and cross-checked for errors, such as observers misunderstanding a question. It will also be possible to calculate relations between characteristics, verifying whether irregularities are isolated or represent a regional or national trend, and cross-referencing answers to find relations between procedural variables.

Final statistics can be used to highlight mission findings in the Preliminary Statement, but more usually are used as a means of identifying trends for the Final Report. In the Final Report, such statistics can be used to illustrate observation findings on the overall voting, counting and tabulation processes. This highlights the importance of a good quality form and the need for them to be filled out clearly and accurately.

## 16.1 Analysing the Observation Data

The production of such statistical “evidence” for analysis requires simple, efficient, and reliable *statistical operations*. For almost all election observation missions, the design of a data-entry programme is necessary. Such programmes are usually based on MS Access or similar software. This will result in a database, which can be further analysed in a spreadsheet programme (Excel) and a programme for statistical analysis (SPSS). All of these programmes are tools for checking and cleaning data. For statistical purposes, for example for cross-table analysis, regression analysis and analysis of variance, SPSS, is preferable.

Data-cleaning is based on *specific strategies*. By listing the relevant information, such as the anomalies in turnout figures, the forms can be checked for errors made by observers and/or during data-entry. In addition, potential systematic errors by observers can be identified and investigated. If, for example, ballot stuffing is witnessed in (almost) all reports provided by a specific team, this indicates that such a team may not have understood the question properly. This may particularly be true if there are no other indications of severe procedural violations, bad circumstances or negative overall opinions about the conduct of the poll in the forms provided by the same team.

It is also important to evaluate *the quality of the data and to clean the data* from the outset. In effect, this starts when the first reports are delivered to the LTO, who will check whether key information is included, such as polling station identification and team number. It is vitally important that each form can be identified in terms of the team responsible, the exact polling station and region the report pertains to. Whenever possible, the Statistics Analyst should meet some observer teams on the morning of the poll, to check specific difficulties related to the questions in the forms. Data entry procedures and data-cleaning strategy can then be adjusted to address any problems.

### *Observation of the Voting Process*

Assuming enough forms have been received, analysis of the report forms will enable collation of data on the number of registered voters, voters on the supplementary list if relevant and voters who have cast their vote up to the time of the observation. Analysis of such information on the turnout rate for specific periods during the day may shed some light on voting behaviour. Most importantly, this information can be checked against official results submitted by the responsible authorities and enable a comparison between observed turnout figures from several regions. Analysis of the detailed questions on voting procedures initially consists of a statistical breakdown of the percentage of positive and negative responses



from observers. Later, analysis will seek to identify trends within and a correlation between the data.

### ***Qualitative Comments by Observers***

The open questions in the questionnaire enable the observers to comment on all aspects and details they consider relevant. Such information is crucial for a comprehensive understanding of the problems witnessed as the statistics may not always tell the whole story. The comments are also crucial in identifying and detailing specific incidents. Analysing these comments is rather time-consuming during an EUEOM but nevertheless necessary. The comments need to be categorised by using a coding scheme, with values such as 'positive', 'neutral' or 'negative', which enables this information to be linked to other elements in the database.

### ***Relationships Between Questions***

The Statistics Analyst must calculate *relationships between the characteristics*. Cross-table analysis reveals the relationship between two items, which may provide some further insights into the situation on polling day, with an ability to find links between certain irregular practices or to isolate irregularities to a particular type of polling station. In addition, other techniques, such as regression analysis, can be employed. This will enable, for example, a link to be established between reported problems and irregularities and the observers' overall opinion, highlighting which specific problems were so severe that observer teams felt compelled to rate the conduct of the poll as 'bad' or 'very bad'.

### ***The Vote Count***

The main problem for a quantitative statistical approach to the vote count is the limited number of observer reports given that for the count observer teams are of course static. Depending on the deployment strategy, the statistical analysis will focus on either an overview based on the whole country, or the identification of violations.

Given the relatively small number of report forms, it is important that the quality of the data is high, without too many errors. Consequently, data-checking and data-cleaning is crucial. In addition, observers' narrative reports need to be studied thoroughly in order to understand the answers to the closed questions.

## 17. De-briefing of Observers

The de-briefing will normally take place within 24–48 hours after the polls close. Depending on geographic and security circumstances, there may be one central de-briefing, or additional regional de-briefings may also be organised. The question of whether a regional de-briefing should take place prior to the central de-briefing will probably be determined by what is feasible, given the timing of the press conference and the need for observers to be de-briefed prior to this. If time necessitates that observers are de-briefed regionally, it is still desirable for a national de-briefing to be held at a later stage. By the time of the de-brief, a significant number of the polling station questionnaires will hopefully already have been received and analysed, permitting an early statistical profile of the Election Day/s as a basis for discussion. It is vital that some form of de-briefing has taken place in order to be able to confirm the statistical findings prior to finalising the press statement. The de-briefing should provide an opportunity for all observers to share and report their findings on the election process.

### 17.1 De-briefing STOs

The main reason for the de-briefings is to confirm the statistical and reported findings from Election Day/s, with apparent trends discussed and particular incidents clarified. The de-briefings are also important to make the STOs feel that their experiences have been heard and taken into account by the mission. For this reason, the smaller format of regional de-briefings is useful as it enables people to contribute more. Regional de-briefings are also useful as a way of getting a clearer picture of the regional differences during the Election Day/s. The basic approach of de-briefings is as follows:

## Model De-briefing of STOs

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- Use the statistical analysis of the observer reports as the basis for the de-briefing.
- Identify the main problems and strengths of the election, according to the statistics and confirm with the observers to what extent this has been their experience.
- Identify any particularly serious incidents and clarify the facts.
- In the case of regional de-briefings – report conclusions immediately to main mission, or as instructed.
- Give logistical information to STOs leaving the country.

## 17.2 De-briefing LTOs

The de-briefing of LTOs will probably take place after the STOs have departed from the country, and once LTOs have been able to follow-up on the immediate post-election situation. The main task to be achieved in the de-briefing of LTOs is to clarify the findings from each LTO area and highlight any important incidents.

The findings from the de-briefing will be used as supplementary material for the final report. The de-briefing is also useful in bringing the mission up-to-date with post-electoral developments as well as informing and explaining to LTOs the overall mission conclusions, which also represent the conclusions of their own hard work.

## **18. The Immediate Post-election Period – What to Observe?**

### **18.1 Announcement of Results**

A problem for observation missions is that they have often departed from a country prior to the declaration of final results. This is partly due to a mission's closure shortly after Election Day/s, and partly due to the fact that the publication of final, official results is sometimes quite a lengthy process. Where possible, the Core Team and an observation presence should remain until the final official verification of the results and their public announcement. In the event that this is not possible, the mission will have to make contingency plans for securing the final results, ideally down to polling station level, enabling the verification of the results gathered by observers on the day of the election. Any deterioration at this stage in the process could significantly affect the overall findings of the mission. The Final Report should ideally not be issued until the final election results have been issued.

The process for *determining and announcing results* varies greatly according to the election type and the facets of the system in question. However, in simple terms, results are normally announced in two phases:

- *At the constituency/regional level*, the Election Commission will collect polling station protocols and then tabulate initial results for constituency/region, and, as appropriate, either pass on aggregated results to the higher level commission or issue the preliminary results. The Commission will also receive complaints and either rule on them or pass them on to relevant court or commission.
- *The final results will be issued by the responsible Election Commission or relevant authorities* and will follow the collection and validation of hard copies of all protocols and relevant paperwork and the resolution of outstanding complaints and appeals.

### ***Results-related Issues for Consideration***

- *Compare* announced results with results recorded by observers (this is only feasible in cases where the sample collected by observers is of a viable size).
- Follow *reports* in the media, and from political parties directly, on reaction to the results.
- Follow-up on any reports of *claims* by political parties that the results are wrong in some way.
- Follow any *official complaints* through the resolution process. This might be dealt with by the Election Commission or by a relevant court.

## **18.2 Installation of Elected Candidates into Office**

Elected candidates will only be able to *take up their positions* once the final results have been confirmed. It is also the concern of the observation mission that all those candidates/parties elected are duly installed in office. Should this not occur, this is certainly an issue within the scope of the observation mission to pursue and comment upon.

A mission should *continue to monitor*, if only from afar, the *post-election environment*. The main point is to check whether the results of the election are respected and that the duly-elected members are allowed to take up their positions. The mission should particularly look out for:

- *legal proceedings against individuals*, in order to de-register the elected candidate;
- *intimidation of the elected member*, intended to exert pressure on him/her to stand down.

## **18.3 Complaints and Review Process**

The complaints and review process should be followed in the post-election period. Complaints concerning the election process that are submitted by candidates or voters alike must be dealt with equitably and according to due process of the law. Voters and candidates should have access to the appropriate documentation that they may need in order to present their case. A response should be provided in a timely manner, and all rulings should be recorded, made public and enforced.

## 19. The Overall Assessment

The final EUEOM assessment of an election process will reflect the collective findings of the EUEOM during the pre-election period, the Election Day/s and the vote count. It will represent a qualitative assessment of the process, combined with the quantitative assessment provided by observer polling/counting centre check-lists. The EUEOM assessment is intended to arrive at a conclusion of the election process based on the following:

- *International obligations* – such as the Universal Declaration of Human Rights, Article 21, and the Covenant on Civil and Political Rights, Article 25, which recognise the integral role that transparent and open elections play in ensuring the fundamental, universal and continuous right to democratic participatory government;
- *Relevant regional obligations* – or commitments agreed upon within the context of regional inter-governmental structures of which the country observed is part;
- *The National Election Law* – the legal and regulatory framework agreed upon to govern the specific election process and its implementation, which should reflect international and regional obligations. An election process can always be subject to imperfections and irregularities, but a pattern of recurring and systematic irregularities may indicate a serious threat to the integrity of the election process.

According to Council Decision 9262/98<sup>1</sup>, elements to be assessed by the Observer Mission should include:

- the degree of impartiality shown by the election management body;
- the degree of freedom of political parties, alliances and candidates to organise, move, assemble and express their views publicly;
- the fairness of access to state resources made available for the election;
- the fairness of access for political parties, alliances and candidates to the media, in particular the state media;
- the registration of voters without discrimination on the basis of gender, racial or ethnic origin;

- any other issue that concerns the essential freedom and fairness of the election;
- the conduct of polling and counting of votes as described in the electoral law.

## 19.1 Preliminary Post-election Statement

It is the responsibility of the CO to finalise his/her independent post-election statement, based on the findings of the overall EUEOM. The *post-election preliminary press statement* is arguably the most important document the EUEOM will produce, and the CO/Core Team should assure maximum media coverage. An EUEOM will normally deliver a post-election statement within 24–48 hours after the close of the polling stations. The delivery of the statement is always a time-sensitive issue. It is important to issue a statement while the media are still interested (usually the day after the election or at most two days after). It is also important to consider when the information from STOs can be gathered and analysed (usually within 12 hours of the close of polling but sometimes up to 24 hours). The EUEOM should not go public with its preliminary post-election statement until it is confident that it has enough information, based on the statistical sampling of polling and counting centre procedures, and the debriefing of observers, upon which to base an authoritative preliminary statement.

The statement will be concise and reflect the most significant findings and concerns of the pre-election period as reported by LTOs, as well as the Election Day/s findings as reported by STOs. There are a number of factors to take into account when considering the statement.

The structure of the statement will reflect the continuity of the mission approach and cover pre-election and Election Day/s issues:

### Model Preliminary Post-election Statement

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- Introduction
- Executive Summary
  - Legislative and Administrative Framework
  - Registration of Candidates/Parties
  - Registration of Voters
  - Election Campaign and Media Coverage
  - Election Day/s
- Preliminary Findings
- Preliminary Conclusions
- EUEOM Information

The statement should ideally be *translated* into the main language/s of the host country. It should be noted that this invariably takes some time, especially if a number of revisions of the statement are required, which is considered normal. It should also be stressed that the statement is a *preliminary statement*. This means that it is issued prior to the conclusion of the process and prior to the issuing of final results. A subsequent statement might be issued, should any serious concerns emerge during the completion of the process.

### ***Joint Post-election Statements***

A Joint Statement between organisations has the potential advantage of the international community speaking with one voice, and the potential disadvantage that this might bring the assessment to a rather meaningless lowest common denominator. The primary objective for each organisation should be to make as accurate and objective an assessment as possible in the name of their own organisation's mandate and values. Wherever it is possible for international organisations to arrive at a common opinion and a Joint Statement, the voice of the international community is united. This could in turn reduce the possibility of the so-called "forum shopping" phenomenon, whereby the host government may attempt to divide opinion on its election, by stressing the division of opinion among observer organisations.

Only organisations that are intent on an objective assessment of the process can be effective partners. The key to good co-operation and a potential Joint Statement is the acceptance of all the subscribing organisations that an election is not a one-day event, and that therefore any meaningful assessment of the election process must be based on the process in its entirety. Any organisation that is intent on commenting on a process based on a limited observation, or pushing their own organisational agenda in a given country, will not be an effective partner for a Joint Statement. Such co-operation would only serve to dilute the objectivity of the assessment or reduce the credibility of the observation mission.

### ***Delivering the Accurate Assessment***

For the host government there is, obviously, a lot at stake when it comes to the assessment of their election process. The consequences of an election assessment should not be underestimated. The international community has come to recognise the expression of the will of the population through a genuine election as the basis of legitimacy of government, and it is often found among the conditions for establishing diplomatic relations, admission to an inter-governmental organisation, and for the extension of bilateral and multilateral financial assistance and co-operation agreements. This is why an EUEOM has a responsibility to undertake



an objective observation in line with a consistent methodology. No pressure from any quarters should substantively alter the final assessment.

It is the responsibility of any EUEOM to make sure that the final assessment is accurately transmitted to the public without being unduly influenced. It is up to the EUEOM to assure that the correct assessment is made, that it reflects the observation's findings on the ground, and such assessments cannot be negotiated or re-written after they have been drafted in a manner that accurately reflects the EUEOM findings.

### *The “Something for All” Phenomenon*

The tendency to offer “something for all” in post-election reporting is not helpful to the host country, or the international community, which looks to the post-election report to determine whether a particular country can join or remain in the fold of representative democracies. The “something for all” phenomenon can occur when either pressure by the host government, or agendas unrelated to the election process itself, can lead to inconsistencies between the post-election statement and the final report. This could mean, for example, that an election observation organisation makes a very negative post-election statement, but then offers a more conciliatory and positive final report. Alternatively, the post-election statement might be more positive and conciliatory, and the final report more serious and negative. Unless there are significant and substantive developments after the post-election statement, or additional information or documentation on election violations indicating serious problems in the final stages of the vote tabulation is discovered, the post-election statement and final report should be similar in their tone and overall assessment.

### *The Individual Experience*

It must also be recognised that individual views on the conduct of elections often depend on personal experience and impressions. One observer might have a very positive experience, while another observer might have a very negative one. This is why individual comments, prior to the group statement, are out of place and are a serious breach of the Code of Conduct. This point in the Code of Conduct is *not meant to restrict a diversity of opinion* on the election, but to prevent premature individual opinions that could be misconstrued or unrepresentative of the collective EUEOM findings. The conclusion can only be a *group conclusion* based on group experience. This is why a methodological framework for election observation, which feeds the individual observer experience into a broad assessment of the overall mission, is so necessary.

## 19.2 Closing Down the Mission

The EUEOM should be phased out depending on the needs of each particular mission. Obviously, if there are many outstanding and contentious post-election issues, the final closing down of the mission may have to be extended. However, at the moment of closure, it is imperative that the CO or DCO undertakes a final round of meetings. Final courtesy calls should be undertaken to the National Election Administration, the Ministry of Foreign Affairs and any other local authorities or organisations which have been in close contact with the EUEOM. A final de-briefing should be conducted with the EC Delegation and diplomatic representatives of EU Member States in order to share final impressions of the mission and its findings.

In addition, a final meeting should be conducted to ensure that any remaining issues or issues pertaining to allocation of equipment are dealt with. There should also be an effort to assure that the main documents from the mission, such as briefing documents, deployment plans, checklists and reports, are archived for future reference. This issue should be adequately dealt with in conjunction with the EC Delegation (if present in country).

## 19.3 Final Report

Building upon the post-election statement, the Final Report will be finalised within a few weeks after the election. Ideally, the Final Report should not be submitted until the final election results have been announced. Any deterioration at this late stage in the process could significantly affect the overall findings of the mission between the preliminary post-election statement and the final report.

The final report is the outcome of the EU election observation methodology, and the cumulative findings of the mission will be reflected in the final report. The report will ultimately be the responsibility of the CO, with the assistance of the DCO and Core Team. The report should be delivered in a timely manner (within approximately one month after the election), although the timing of its final preparation may be contingent upon the publication of final election results. The report should be distributed to the host government, Member States, relevant organisations and NGOs, and of course all observers who participated in the mission.

The aim of the report is to arrive at a final conclusion on the election according to the following standards: 1) universal obligations, 2) regional obligations, 3) the national election law, which should reflect universal and regional obligations. The cumulative findings of LTOs and STOs should be reflected in the report.

Any *recommendations* for reform of the election system, to improve the standard of future elections, should also be contained in the Final Report. Any recom-

recommendations should be well considered, clearly presented, and will rarely address issues pertaining to the election system itself. Most recommendations will deal with improvements to the administrative procedures, election campaign environment, and associated political and human rights within the context of the existing election system. Occasionally there may be a need to comment fundamentally on the election system itself. Again, recommendations should be presented clearly and concisely, and the EUEOM should be willing to explain their reasoning behind the recommendations and discuss practical steps for implementation with the host government.

## Model Final Report

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Introduction/Mission Background

The Legislative Framework

The Electoral Administration

Voter and Civic Education

Voter Registration

Candidate Registration

The Pre-election Campaign

The Media

Observation on Polling Day

Observation of Counting

Aggregation and Verification of Results

The Judicial Review Process

Conclusions

Recommendations for Improvements

## 19.4 EUEOM Evaluation – “Lessons Learnt”

While the observation methodology contained in the Handbook is designed to be applied consistently, each and every mission obviously has a different experience. It is therefore standard practice to hold a de-briefing in Brussels at the end of each mission, attended by the CO, the DCO and other Core Team members, in order to harvest any particular “lessons learnt” from each mission. As part of this evaluation process, any relevant feedback received from LTOs or STOs during the course of the EUEOM will also be taken into consideration.

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1. Further information available on the Council of the European Union website: <http://www.ue.eu.int/index.htm>

## 20. Conclusion – Post-election Capacity Building

As stated in the introduction to the European Commission Handbook on EU Election Observation, the methodology outlined throughout these pages is the most assured approach to arrive at a consistent, comprehensive and authoritative statement on an election process. However, an EUEOM does not just serve to assess a singular election process, but also assesses the *state of democratic development* in a given country at a particular point in time. The election process is a microcosm of the democratic process in general. The methodology outlined in this Handbook can serve as a roadmap for identifying strengths and weaknesses in the overall democratic process. Recommendations made to improve the electoral process will often have a fundamental impact on overall democratic capacity building.

The record that is left behind by an EUEOM can therefore be of value to the *providers of post-election capacity building and democracy assistance* and targeted technical assistance between elections, as well as be a basis for the EU's political dialogue with the country concerned. The Commission Communication on Election Assistance and Observation noted that “technical assistance... should continue between elections, promoting good governance and democratisation. The longer-term programmes preceding and following an electoral process must be integrated into the EU's normal development agenda.” An effort should therefore be made by the European Union and the international community to follow how the host-country responds to any recommendations contained in an EUEOM Final Report, if it acts on any recommendations, and any possibility to assist implementation of recommendations. The underlying objective of EUEOMs should be to make themselves redundant in the future, by contributing to a solid and sustainable democratic process in partner countries.