



Election Standards: An Introduction

Election Management Training Institute
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Overview:

■ Declaration of Principles

- Endorsement
- Key Provisions
- Code of Conduct for International Election Observers

■ Assessment Criteria for Election Observation

- Background
- International obligations related to elections

Declaration of Principles for International Election Observation



- Endorsed at the United Nations, October 2005
- Now endorsed by 32 international election observation organizations.

Endorsing Organizations

1. African Union
2. Asian Network for Free Elections
3. Association of Central and Eastern European Election Officials
4. Canadian Association of Former Parliamentarians
5. The Carter Center
6. Center for Electoral Promotion and Assistance
7. Commonwealth Secretariat
8. Congress of Local and Regional Authorities of Council of Europe
9. Council of Europe – Parliamentary Assembly
10. Democracy Reporting International
11. Electoral Institute of Southern Africa
12. Electoral Reform International Services
13. European Commission
14. European Parliament
15. European Network of Election Monitoring Organizations
16. European Parliament Former Members Association
17. La Francophonie
18. IFES
19. International Election Monitors Institute
20. International Expert Center for Electoral Systems
21. International IDEA
22. Inter-Parliamentary Union
23. International Republican Institute
24. National Democratic Institute
25. Organization of American States
26. Organization for Security and Coordination in Europe
27. Pacific Islands, Australia & New Zealand Electoral Administrators Association
28. Pacific Islands Forum
29. Southern African Development Community – Parliamentary Forum
30. United Nations Secretariat
31. United States Association of Former Members of Congress
32. Venice Commission

Declaration of Principles: Key Provisions



Article 4 - Definition of International Election Observation:

“International election observation is the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment.”

Declaration of Principles: Key Provisions



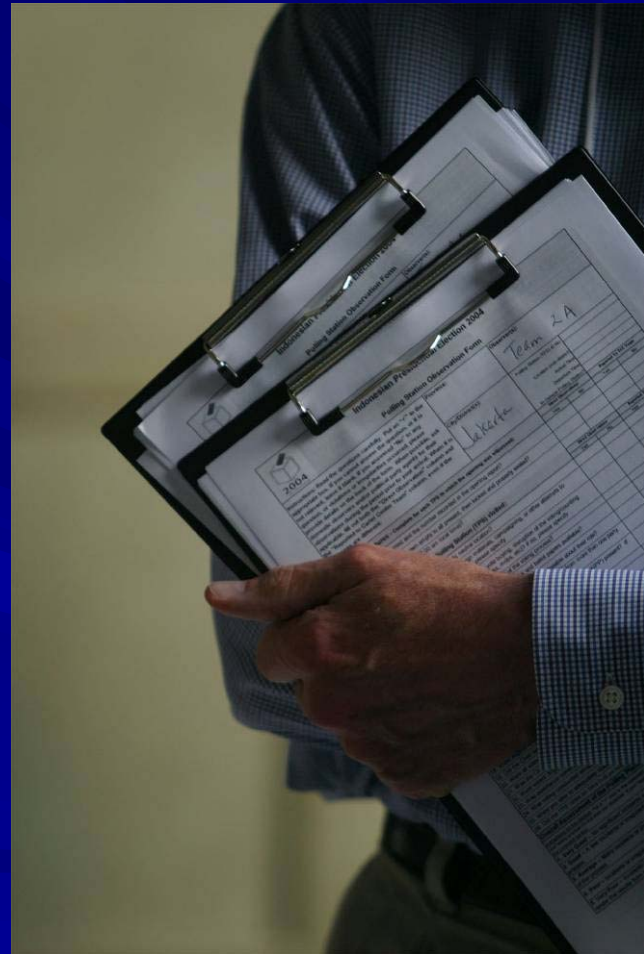
Articles 6 – 10 - Responsibilities of International EOMs:

- No conflict of interest
- Timely, accurate and impartial reporting
- Cooperation with other international election observation missions
- Cooperation with domestic observer groups
- Cooperation with host country and host EMB
- Respect for the law and human rights

Declaration of Principles: Key Provisions

Articles 5 & 19 – Size, Scope and Duration of Missions:

- Missions evaluate pre-election, election day and post-election periods.
- Mission must be of sufficient size and duration to determine independently and impartially the character of the electoral process.



Declaration of Principles: Key Provisions

Article 12 - Essential Pre-conditions for International Election Observation:

- Unimpeded access to all stages of, and persons concerned with, the electoral process
- Guaranteed freedom of movement for all members of the mission
- Guaranteed freedom to issue statements and reports
- Guaranteed accreditation for observers
- Guaranteed freedom from interference from governmental or other bodies
- Guaranteed freedom from reprisal for anyone who is a member of or works with the mission.

Code of Conduct for International Election Observers



The Code of Conduct distills principles in the Declaration to the individual level

Standards for Assessing Elections

- Declaration of Principles did not address the question of criteria used by observers to reach conclusions.
- Different methodologies used by organizations
- Consistency, transparency and accountability enhanced by assessment based on international obligations for democratic elections



International obligations provide a foundation for a common understanding of what democratic elections should be...



What are the bases for international obligations?

Sources of international obligations include:

- **International and Regional treaties and conventions**
 - E.g. International Covenant on Civil and Political Rights or Arab Charter on Human Rights
 - *Binding on Signatories*
- **International Customary Law**
 - E.g. Universal Declaration of Human Rights
 - *Binding on all States*
- **Declarations and Political Commitments**
 - E.g. Declaration on the Rights and Responsibilities of Individuals,
 - *Persuasive on all supporting states*
- **Cases and Judicial Decisions**
 - E.g. United Nations Human Rights Committee, General Comment No. 25
 - *Persuasive on all signatory states*

Principal Obligations for Democratic Elections

“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 held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedure.”

Universal Declaration of Human Rights, Art. 21(2)

“Every citizen shall have the right and the opportunity... to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”

International Covenant on Civil and Political Rights, Art. 25(b)



Principal Obligations for Democratic Elections:

THE BIG 10!!!

- Free Expression of the Will of the People
 - Security of the Person
- Genuine Elections
 - Transparency
 - Freedom from Corruption
 - Freedom of Movement
 - Freedom of Assembly
 - Freedom of Association
 - Freedom of Expression and Access to Information
 - Freedom from Discrimination
- Periodic Elections
- Universal Suffrage
- Equal Suffrage
- Right to participate in public affairs
- Right to Vote
- Right to be Elected
- Secret Ballot
- Right to Effective Remedy
 - Right to a fair and impartial hearing

International Obligations as the Basis for Assessment

- Free Expression of the Will of the People:
 - Were all aspects of the electoral process free from violence and intimidation?
 - Has there been any unlawful interference in the electoral process?



International Obligations as the Basis for Assessment



- **Genuine Elections:**
 - Are all aspects of the electoral process conducted in a transparent manner, including pre-election and post-election activities?
 - Was the media able to report freely throughout the election period?
 - Did observers (domestic and international), party agents and candidates have access to all aspects of the electoral process?
 - Were candidates and their supporters able to campaign freely?
 - Is there a real or genuine contest?

International Obligations as the Basis for Assessment



- **Periodic Elections:**
 - Did the scheduling of electoral processes allow sufficient time to successfully implement all aspects of the election?
 - Are elections held often enough to ensure that the authority exercised by the government is based on the will of the electors?

International Obligations as the Basis for Assessment



■ Universal Suffrage:

- Was the broadest possible pool of citizens eligible and able to vote?
- If any restrictions are placed on the right to vote, are they reasonable and objective?
- Was the voter registration process hindered in any way?

International Obligations as the Basis for Assessment



■ Equal Suffrage:

- Is the principle of 'one person, one vote' followed?
- Are constituencies drawn in such a way as to promote equality of representation?
- Are measures taken to discourage multiple voting?
- Are adequate security measures for sensitive ballot materials in place?

International Obligations as the Basis for Assessment



■ Right to Vote:

- Are any restrictions placed on the right to vote objective and reasonable?
- Are sufficient voting materials available at each polling place?
- Are ballots understandable?
- Are ballots available in the principal languages of multi-lingual countries?

International Obligations as the Basis for Assessment



■ Right to be elected:

- Are any restrictions placed on the right to be elected based on reasonable and objective criteria?
- Are all candidates treated equitably when accessing public resources?
- Does the law offer clear guidance with regard to which parties and candidates are placed on the ballot?

International Obligations as the Basis for Assessment

■ Secret Ballot:

- Are voters guaranteed the right to vote in secret – in law and in practice?
- Are all voters aware of their right to vote in secret?
- Are any voters coerced or forced to disclose how they voted or intend to vote?
- If electronic technologies are used, are adequate steps taken to ensure the secrecy of electronic ballots?



International Obligations as the Basis for Assessment

■ Right to Participate in Public Affairs

- Are domestic observer groups and civil society organizations able to participate in the electoral process?
- Are domestic observer and civil society organizations able to communicate with international organizations without fear of reprisal?



International Obligations as the Basis for Assessment



■ Right to an Effective Remedy:

- Are there mechanisms in place to ensure an independent and impartial hearing regarding acts that violate human rights, such as the right to vote?
- Are those mechanisms available for use by anyone who requires them?

Conclusions

- While using differing methodologies, endorsers of the Declaration of Principles are actively:
 - Committed to highest standards of impartiality and neutrality
 - Committed to the promotion and enhancement of democratic elections based on international obligations.

Thank you...

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