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## Bureau of the Assembly

# Guidelines for the observation of elections by the Parliamentary Assembly<sup>1</sup>

### A. Elections to be observed

1. For the Parliamentary Assembly of the Council of Europe (hereafter, the Assembly), the observation of elections plays an important role in the assessment of the democratic governance and the overall political situation of the country in question. In practical terms this entails the observation of elections or referenda in any state where any of the following circumstances apply: it has applied for membership of the Council of Europe; its parliament has requested or enjoys special guest status or partner for democracy status with the Assembly; it is subject to the monitoring procedure or to the post-monitoring dialogue. If the Assembly receives an invitation, the Bureau may also decide to observe elections/referenda in other states when exceptional circumstances have been brought to its attention.

2. Observation of parliamentary and presidential elections as well as of referenda in an applicant state or a state under the monitoring procedure, or post-monitoring dialogue, and parliamentary elections in states where the parliament enjoys special guest status or partner for democracy status, is an inalienable right of the Assembly<sup>2</sup>. A state's lack of cooperation with the Assembly, or its refusal to accept an election observation mission from the Assembly may give rise to a debate at the part-session or Standing Committee meeting following the elections in question. It may result in the freezing of the application procedure, the withdrawal of special guest status or partner for democracy status or the challenging of the credentials of the national delegation concerned.

3. The observation of regional and local elections is the responsibility of the Congress of Local and Regional Authorities of the Council of Europe (the Congress). If the Assembly receives an invitation to observe such elections and the Bureau decides to observe them, the Assembly ad hoc committee shall be part of any election observation mission the Congress may deploy. A report on these elections by the Congress, sent to the President, should be referred, via the Bureau, to the Monitoring Committee.

### B. Ad hoc committees

4. Once the Bureau has decided to observe an election, it sets up an ad hoc committee consisting in general of up to 40 members following proposals by the political groups, on the basis of the D'Hondt system, on the understanding, however, that each political group shall be represented.

5. The ad hoc committees include *ex-officio* any country-specific rapporteurs of the Monitoring Committee or of the Committee on Political Affairs and Democracy already appointed. Rapporteurs are not included in the quotas allocated to the political groups and shall not be appointed chairpersons of the ad hoc committees. The rapporteurs have a special responsibility to participate during the whole mission due to their specific competence that is of utmost importance for the mission as a whole.

<sup>1</sup> The following Guidelines were adopted by the Bureau of the Assembly on 31 May 2018.

<sup>2</sup> However, this should not be seen as an obligation for the Assembly.

6. The Bureau may also decide to send a pre-electoral mission around one month before the observation mission. The pre-electoral delegation consists of one representative per political group, and the country-specific rapporteurs mentioned in paragraph 5.
7. The Bureau may also decide to conduct a post-electoral mission if the post-electoral context so requires (e.g.: results disputed, elections marred by irregularities, post-electoral political and/or institutional crisis). The membership of the post-electoral delegation is generally identical to that of the pre-electoral delegation.
8. The Bureau may also decide to establish an ad hoc Committee, in the form of an Election Assessment Mission, normally composed of one member from each political group, but never less than three members, in order to guarantee a minimum political and geographical balance. The Election Assessment Mission will report its findings in the form of a memorandum by its Chairperson to the Bureau. No pre-electoral mission will be conducted. In the event that three members cannot be identified for an assessment mission, the mission shall be cancelled.
9. When there is an election with two rounds, the composition of the delegation for the observation of the second round should, in general, be identical to that of the pre-electoral delegation.
10. In accordance with article 15 of the co-operation agreement signed on 4 October 2004 between the Assembly and the Venice Commission, one or more representatives of the Venice Commission may be invited to join the Assembly's election observation mission as legal adviser(s).
11. The election observation delegation is composed of the members of the ad hoc committee, representative(s) of the Venice Commission and the members of the Assembly and Venice Commission secretariats. The chairperson of the ad hoc committee is the "Head of Delegation".
12. Once the Bureau has decided to set up an ad hoc committee, the Assembly's secretariat contacts the secretariats of the political groups and asks each group to appoint the members and substitutes of the observation mission. Each political group sends its list of members and substitutes to the secretariat of the Assembly no later than 2 working days prior to the meeting of the Bureau where the list of the ad hoc committee will be approved.
13. Political groups should bear in mind that appointments to an ad hoc committee should respect: the principle of gender balance having regard to gender membership of their respective groups; fair geographical representation and be based on the candidate's linguistic capability to participate meaningfully in the work of the mission, given that on the spot, and as far as possible, the Council of Europe provides interpretation to and from English or French only<sup>3</sup>. Members of ad hoc committees may not observe elections in their own country. Political groups should not appoint members who took part in non-official missions conducted for the purpose of observing elections or in connection with elections in the country concerned and which were sponsored by or undertaken at the invitation of a State, a parliamentary, governmental or non-governmental organisation, association, foundation or any other natural or legal person.
14. While every effort should be made to ensure the political balance of ad hoc committees observing elections, in the event that certain political groups fail to come up with sufficient candidates while other groups have waiting lists, the principle of a political equilibrium may be foregone in the interests of having a strong presence of the Assembly during the election observation. In such circumstances, a notification by the Secretary General of the Assembly will suffice.<sup>4</sup>
15. The Bureau approves the composition of the ad hoc committee and appoints its chairperson from among the members (with the exception of the *ex-officio* rapporteurs - see *paragraph 5 above*). The Chairperson shall be neither a national of a neighbouring country nor a member of a friendship group in his/her national parliament of the country where elections are being observed. The Chairperson should have participated in at least two election observation missions of the Assembly.

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<sup>3</sup> Furthermore it should be noted that English is the de facto working language of international election observation missions.

<sup>4</sup> Political groups should appoint members who can definitely participate in the election observation mission; last-minute cancellations should remain exceptional because replacements are often impossible to find.

16. If a pre-electoral mission is decided, the nominated chairperson is considered as the representative of his/her political group in the pre-electoral mission. The secretariats of the other political groups shall communicate the names of their representatives for the pre-electoral mission.

17. The chairmanship of ad hoc committees shall rotate between political groups to ensure an overall political balance over a calendar year. The same political group shall not chair two consecutive election observation missions in a given country.

18. At internal meetings of the ad hoc committees, in addition to the members, the only persons authorised to participate are the members of the Council of Europe secretariat. In exceptional cases, ad hoc committee members may be accompanied at internal meetings of ad hoc committees by interpreters, subject to prior approval by the Head of Delegation.

### **C. Conflict of interest and code of conduct of members**

19. Members of ad hoc committees for the observation of elections shall abide by the provisions of the Code of Conduct for members of the Parliamentary Assembly of the Council of Europe as well as the Code of Conduct for International Election Observation Missions (IEOM). Additionally, the provisions of the Code of Conduct for rapporteurs of the Parliamentary Assembly shall apply *mutatis mutandis* to chairpersons of ad hoc committees. Any alleged violation of the above-mentioned provisions will be dealt with in accordance with the procedure set out in paragraphs 18 to 27 of the Code of Conduct for Members of the Parliamentary Assembly.

20. All candidates for membership of an ad hoc committee, at the time of putting forward their candidacy, shall make a written declaration of any actual or potential conflict of interest concerning them or members of their families, whether related directly or indirectly and/or with whom they are in regular contact, in connection with the country concerned by an election observation (see appendix 2).

21. All members of an ad hoc committee shall sign a written declaration confirming their knowledge and obligation to respect the Code of conduct for International Election Observation Missions. The aforementioned declarations shall be made available to the Bureau when it approves the composition of an ad hoc committee. Failure to sign such declarations shall disqualify the member concerned from being appointed to an ad hoc committee.

### **D. Elections as a process**

22. An election and its observation do not concern the polling day only, but a process involving several stages, all of which need to be analysed and evaluated in order to assess the entire electoral process<sup>5</sup>.

23. The process starts with the assessment of the electoral legislation. The quality and predictability of the electoral legislation is a major criterion to assess an election. This assessment relies in particular on legal opinions that the Venice Commission has adopted on the legislation in question. The application of electoral legislation in good faith is also a criterion for evaluating an election.

24. The second stage starts with the date when an election is called. In normal circumstances, involving regular elections, that date should be reasonably distant from the polling day in order to allow all political stakeholders to prepare for an electoral contest. The third stage starts with the opening of the electoral campaign. The fourth stage is the polling day, which includes the opening of the polling stations, the voting itself, the closing of the polling stations, the vote counting and the tabulation. The final stage is the declaration of results of the election, followed by a period where complaints may be lodged.

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<sup>5</sup> As described in various Assembly and Venice Commission documents, *see inter alia*: the code of Good Practice in electoral matters (CDL-AD(2002)23rev), the report on the timeline and inventory of political criteria for assessing an election (CDL-AD(2010)037).

## **E. Co-operation in the field with the Assembly's partner organisations**

25. Usually, the Assembly observes elections as part of an International Election Observation Mission (IEOM), which may include the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly, the European Parliament and the NATO Parliamentary Assembly. The modalities of cooperation within the IEOM shall be established by an Agreement between the organisations concerned. The Head of Delegation of the Assembly represents it at meetings of Heads of delegation within the framework of the IEOM.

26. Co-operation with other international organisations within the framework of the IEOM should be continuous during the observation process, including for the organisation of the programme of the mission, in order to ensure, in so far as possible, that assessments of the elections do not differ. To ensure good and smooth co-operation, Heads of delegations should cooperate as early and regularly as possible in the course of the observation missions. In the case of a pre-electoral mission, the Assembly delegation shall meet with the OSCE/ODIHR mission in the country (if already deployed).

27. In case the OSCE/ODIHR long term observation mission is prevented from being deployed, the Assembly should abstain from sending its own mission.

## **F. Conduct and practical organisation of the observation**

### **General aspects:**

28. The practical organisation of observation missions is ensured by the Assembly secretariat in consultation with the Head of Delegation. Members of the Assembly and the Venice Commission secretariats advise the Head of Delegation and other members of the ad hoc committee in fulfilment of their responsibilities.

29. The national parliament of the country observed shall be invited to provide assistance with regard to the organisation of the programme of the pre-electoral and post-electoral missions, as well as the accreditations and visas for all members of the delegation, in due time, including for the observation of out-of-country voting and early voting if necessary. The relevant authorities shall ensure the freedom of movement and security of all members of the delegation throughout the territory.

30. The financing of the participation of members of ad hoc committees in the work of these committees shall be borne by the respective national parliaments of the members.

### **Pre-electoral missions:**

31. The pre-electoral mission, if so decided by the Bureau, consists of two to three days of on-site meetings, usually in the capital city. Depending on the circumstances, meetings and visits elsewhere may be organised.

32. The main aims of a pre-electoral mission are to assess: the election legislation and its application, including the availability of appeals; the political situation; the arrangements for the election campaign; and coverage of the election campaign by the media, the administration of the election and the work of the election authorities. For this purpose the delegation shall meet with the OSCE/ODIHR mission - if one is present - and representatives of the international community; representatives of media and NGOs; the leaders of the main political parties and/or the presidential candidates; and, with representatives of the national authorities involved in the electoral process.

### **Election Observation missions:**

33. In general, a mission lasts four to five days including: internal briefings of the delegation and joint briefings with any partner organisations; observation of the opening of polling stations, voting, vote counting and reporting of results; debriefing of the delegation following polling day and the press conference.

34. Members of the delegation shall refrain from engaging in public statements, interviews, press conferences or communications via social networks which could contradict the final assessment made by the ad hoc committee. They shall also refrain from engaging in public activities which could appear to interfere in the electoral process or could be considered as partisan, including meetings with national authorities and/or

political actors outside the official programme of the election observation mission. The above provisions apply at all stages of the process from the moment of appointment to the ad hoc committee until the statement of the election observation mission is published. The same applies to post-electoral missions.

35. Members of the delegation may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as they do not obstruct the election process. In answering questions they should not seek to influence the election process. They may ask and answer questions of voters but shall not ask them how they voted. They may bring irregularities, fraud or significant problems to the attention of relevant election management bodies, unless this is prohibited by law, and shall do so in a non-obstructive manner.

36. The Head of Delegation shall ensure that the delegation will cover as wide as possible a geographical area of the country when observing the elections. Members of the delegation shall be ready to accept deployment outside of the capital city of the country where the elections are being observed. When applicable, and so decided by the Head of delegation, members of the delegation could also be requested, in their countries of residence, to observe out-of-country voting.

37. Members are entirely free to carry out their observation as they see fit on polling day within their area of deployment: they should not disclose their itinerary nor the polling stations they intend to visit. However, for security reasons, some areas or regions may be restricted. Members should follow security measures and recommendations put in place by OSCE/ODIHR security officers and/or the Council of Europe Security department. Members must not incur unnecessary or unjustified risks for themselves or for others

38. Members of the delegation shall plan their travel arrangements in a way that will allow them to participate in the briefings in their entirety, to observe on polling day (opening, voting, vote count and tabulation of results) and to participate in the delegation debriefing on the morning following the elections. It is understood that those members who are unable to attend the debriefing in the capital because they were deployed outside it, may report their conclusions by phone or by e-mail. Heads of delegation shall make their travel arrangements taking into account the press conference which usually takes place in the afternoon of the day following polling day.

#### **Post-electoral missions:**

39. The organisation of post-electoral missions, if so decided by the Bureau, is similar to that of pre-electoral missions, due account being taken of the post-electoral context and developments.

### **G. Election observation reports and statements**

#### **Pre-electoral missions:**

40. Following a pre-electoral mission and before leaving the country, the members of the pre-electoral mission shall publish a statement based on the reports and relevant documents of the Council of Europe and information received from different interlocutors. The statement should cover, amongst others, the following aspects: legal framework; political context; election administration; voters, party and candidates registration; election campaign, campaign financing and media, gender equality and non-discrimination. No press conference shall be organised following such a mission.

#### **Election observation missions:**

41. In the framework of an International Election Observation Mission, a joint preliminary statement is issued and presented during a joint press conference which takes place on the day following polling day. This statement is discussed and prepared jointly by all Heads of delegations in the field. When preparing the Assembly's contribution to the joint statement, the Head of delegation shall take into account key aspects raised by members of the delegation, including during the debriefing following polling day.

42. If the Assembly's usual partner organisations in IEOMs do not deploy an observation mission, the ad hoc committee shall issue a statement covering the pre-electoral period and the polling day. It shall be based on the findings and statement of the pre-electoral mission (if applicable), on the information received during the meetings held during the mission, as well as on relevant documents of the Council of Europe and other

reliable sources. Such a statement whose draft is prepared under the authority of the Head of delegation, shall be discussed and approved at the debriefing of the delegation immediately following the polling day.

43. Following the election observation mission, the Head of delegation shall draft a report which is submitted to the Bureau for adoption and subsequently to the Assembly or to the Standing Committee as part of the progress report of the Bureau.

44. This report shall be based on the information received during the meetings held during the IEOM with various interlocutors, in line with the press release and preliminary findings and conclusions of the IEOM. It should take into account the comments and assessments of members of the delegation regarding polling day made during the delegation's debriefing following polling day, as well as relevant Council of Europe documents and other reliable sources (e.g. OSCE/ODIHR). All members of the ad hoc committee shall be consulted on the draft before it is issued within a deadline fixed by the Head of delegation.

45. The final report should also cover the following aspects: polling day and results; complaints and appeals.

**Post-electoral missions:**

46. Following a post-electoral mission, and before leaving the country, the members of the post-electoral mission may publish a statement on their findings focusing on the post-electoral issues and based on reports and relevant documents of the Council of Europe and information received from different interlocutors and other reliable sources. No press conference shall be organised following the mission.

## Appendix 1

### Code of conduct for International Election Observation Missions (IEOM)

1. The International Election Observation Mission is composed of delegations coming from the following organisations: OSCE/ ODIHR, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the OSCE, the NATO Parliamentary Assembly and the European Parliament. The rules of conduct and behaviour defined within the present code shall be respected by members of the IEOM. The work of each IEOM starts at the opening of the first joint meeting and ends at the closure of the post-electoral press conference.

2. Members of IEOM shall follow the Code of Conduct for International Election Observers, being a part of the “Declaration of principles for international election observation”<sup>6</sup>. It includes the following general rules of conduct:

- Respect the sovereignty of the host country and international human rights instruments
- Respect the laws of the country and the authority of electoral bodies
- Maintain strict political impartiality at all times
- Respect the integrity of the IEOM
- Do not interfere in election processes
- Maintain accuracy of observations and professionalism in drawing conclusions
- Refrain from making comments to the public or the media before the IEOM speaks collectively
- Cooperate with other election observers
- Maintain proper personal behaviour.

3. Members of the IEOM shall respect the sovereignty, the laws and regulations of the host country, including showing sensitivity for the host-country’s culture and customs, and maintain a respectful attitude toward election management bodies charged with administering the electoral process and other relevant national authorities.

4. Members of the IEOM shall respect and protect the integrity of the international election observation mission. Members of the IEOM must maintain strict political impartiality at all times in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties or candidates or in relation to any contentious issues in the election process. They must not wear or display any partisan symbols, colours, banners or accept anything of value from political competitors.

5. Members of the IEOM shall refrain from engaging in public activities which could appear to interfere in the electoral process or could be considered as partisan, including meetings with national authorities and/or political actors outside the official programme of the IEOM.

6. Members of the IEOM shall declare any actual or potential conflicts concerning any economic, commercial or financial interests on a professional, personal or family level in the country concerned. They shall also declare their membership of friendship groups within their national parliaments with the country concerned.

7. Members of the IEOM shall respect in the conduct of their duties within the IEOM the *modus operandi* for election observation endorsed by their respective organisations.

8. Members of the IEOM shall participate fully in the work of the IEOM: they shall arrive in the country where elections are taking place sufficiently in advance in order to follow the entire programme and attend all required meetings, briefings and debriefings.

9. Members of the IEOM shall respect the deployment plan and all other arrangements and instructions provided. On election day, they shall attend polling stations, observe the opening, voting, closing and counting of ballots, and inform their respective delegations of their conclusions based on their personal observations or clear facts and evidence.

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<sup>6</sup> Commemorated on 27 October 2005, at the United Nations, New York

10. Members of the IEOM may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as they do not obstruct the election process. In answering questions they should not seek to influence the election process. They may ask and answer questions of voters but shall not ask them how they voted. They may bring irregularities, fraud or significant problems to the attention of relevant election management bodies, unless this is prohibited by law, and shall do so in a non-obstructive manner.

11. The IEOM members' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, significant from insignificant factors and identifying patterns that could have an impact on the integrity of the election process.

12. Members of the IEOM must refrain, until after the press conference, from engaging in public statements or comments to the media, interviews, press conferences or communications via social networks, other than general remarks regarding the nature, role and activities of the observation mission.

13. Members of the IEOM shall maintain proper personal behaviour, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times. They should not take unnecessary or undue risks for themselves and/or others and should follow safety and security recommendations.

14. In the event of a breach of the present code of conduct, the member concerned shall be subject to the rules and procedures of the organisation in whose delegation he/she is participating in the International Election Observation Mission.



**Appendix 2**

**DECLARATION OF INTERESTS OF CANDIDATES FOR ELECTION OBSERVATION MISSIONS OF THE PARLIAMENTARY ASSEMBLY**

**Ad hoc committee to observe the parliamentary / presidential elections in ..... on.....**

I. I hereby declare the following interests in connection with the country concerned by this election observation, or which might influence the performance of my duties in the Parliamentary Assembly as member of this election observation mission.

1. I declare that I have an actual or potential conflict of interest in connection with the country concerned by this election observation or which might influence the performance of my duties as member of this election observation mission. This declaration concerns me directly, as well as the members of my family, directly or indirectly related, and/or with whom I am in regular contact:

**Please strike out this section if not applicable.**

*Otherwise, please specify the nature of the actual or potential conflict of interest:*

.....  
.....

2. I declare that I have accepted, in the last twenty four months, the following gifts or other benefits and hospitality<sup>7</sup>, of a value in excess of 200 €, from the authorities of the country concerned, or from a legal or natural person with links to the country concerned by this election observation:

**Please strike out this section if not applicable.**

*Otherwise, please describe the gift and indicate the donor's identity (name, function, address/country):*

.....  
.....

3. I declare that I have performed, in the last twenty four months, the following occasional activities, mandates or missions, as consultant, advisor, expert, lobbyist, lecturer, etc. in connection with the country concerned by this election observation, or which might influence the performance of my duties as member of this election observation mission:

**Please strike out this section if not applicable.**

*Otherwise, please indicate the activities concerned:*

.....  
.....

4. I declare that I am a member of the following friendship groups or interparliamentary relations groups in connection with the country concerned by this election observation:

**Please strike out this section if not applicable.**

*Otherwise, please indicate the name of the group(s):*

.....

<sup>7</sup> Benefits (such as travel, transportation, accommodation, meals, social, sporting or cultural events, etc.) the costs of which are borne by the authorities are excluded from the declaration requirement on condition that these benefits are expressly mentioned in the official programme of the meeting (e.g. Standing Committee, committee or sub-committee or ad hoc committee or sub-committee), visit or mission (for example by the President of the Assembly, a rapporteur or Assembly representative)

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5. I declare that in the last ten years I took part in the following non-official missions conducted for the purpose of observing elections or in connection with elections in the country concerned by this election observation:

**Please strike out this section if not applicable.**

*Otherwise, please indicate the name of the State, the parliamentary, governmental or non-governmental organisation, association, foundation or other natural or legal person which invited or sponsored you:*

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II. I hereby declare that I have no actual or potential economic, commercial, financial or other interests on a professional, personal or family level in connection with the country concerned by this election observation, or which might influence the performance of my duties in the Parliamentary Assembly as member of this election observation mission. This declaration concerns me directly, as well as the members of my family, directly or indirectly related, and/or with whom I am in regular contact.

**Please strike out this section if not applicable.**

III. I confirm that I have taken notice of and undertake to respect the Code of conduct for International Election Observation Missions.

I note that this declaration will be made available to the Bureau of the Assembly when it approves the composition of the ad hoc committee.

Name .....

Date .....

Signature: