

ELECTION OBSERVATION

A practical guide for parliamentarians



Parliamentary Assembly
of the Council of Europe



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Cover and layout: Documents and Publications
Production Department (SPDP), Council of Europe

© Council of Europe, January 2014
Reprinted April 2016
Printed at the Council of Europe

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Foreword

The Parliamentary Assembly of the Council of Europe (PACE¹) was instrumental in introducing institutionalised parliamentary observation of elections in Europe. The Parliamentary Assembly first took the initiative to monitor the electoral process of a state in 1974 in the context of the return of Greece to the Council of Europe.

Founded on 5 May 1949 by ten states, in 1989 the Council of Europe had 23 members. Since 1989, 24 new states have joined the organisation. It was this wave of accessions by countries of Central and Eastern Europe that prompted the Assembly to institute systematic election observation.

With the introduction of special-guest status and the procedure for monitoring compliance by new member states with their commitments, PACE was the first institution to link membership of the Council of Europe to respect for the principles of free and fair elections. Implementation of this democratic conditionality would not have been possible without the essential information gathered in the course of election observation missions.

1. See page 20 for abbreviations and acronyms.

Since 1989 the Assembly has observed over 150 parliamentary and presidential elections in Europe, and over 1900 Assembly members have been deployed to observe them. The Assembly has played a leading role in developing international co-operation in this field and creating a European electoral heritage.

The election observation missions carried out by the Parliamentary Assembly help to ensure that the universal values upheld by the Council of Europe are more widely known, understood, accepted and shared, and in this way increase the number of European states committed to democracy, the rule of law and human rights.

Which elections do we observe?

For PACE, election observation plays an important role in assessing the overall political situation in the countries concerned. In practical terms, this means that elections are systematically observed in any country whose parliament has requested, or already holds, special-guest or partner for democracy status, which has applied for membership or which is subject to the monitoring procedure or is subject to the post-monitoring dialogue.

The Bureau of the Assembly may also decide to observe parliamentary or presidential elections and referenda in other states (*recent examples include Tunisia, Kazakhstan, Kyrgyzstan*).

As a rule, the prerequisite for any election observation mission is the reception by PACE of an invitation from a competent authority (eg the Head of State, the Minister for Foreign Affairs, the President/Speaker of Parliament, the Chairperson of the Central Electoral Committee) to come and observe elections. The Bureau of the Assembly then decides on the expediency of deploying an Election Observation Mission (EOM).

Observation of the election process

P ACE considers that an election is not an isolated exercise but a continuous process involving several stages, all of which need to be analysed if the election is to be properly assessed².

The main aspects of the process on which the Assembly's attention will be focused are *inter alia*:

- Electoral law, whose fundamental elements should not be subject to constant change, especially in the year preceding the elections;
- A fair election campaign for all participants;
- Polling day and vote counting;
- The announcement of the results and the existence of a clear and effective appeals procedure allowing a reasonable time for appeals.

2. See the following Venice Commission documents: CDL-AD(2010)037 "Report on the timeline and inventory of political criteria for assessing an election"; and CDL-AD(2002)023rev "Code of Good Practice in Electoral Matters".

Election Observation Missions (EOMs)

General

EOMs are usually divided into two parts: a pre-electoral mission and a main mission at the time of the election itself.

Once the Bureau has decided to observe an election, it sets up an ad hoc committee consisting usually of 5 to 40 members. It may, however, decide to increase that number in special cases.

If the Bureau so decides, an observation mission may be preceded by a pre-electoral mission, which usually takes place around one month before polling day. The delegation consists of five members (one representative per political group).

In the case of countries subject to a monitoring procedure or to the post-monitoring dialogue procedure, the relevant (co-)rapporteurs are *ex officio* members of the ad hoc committee and participate in the pre-electoral mission in addition to the five members (they are not included in the quotas allotted to the political groups).

The Bureau may also decide to conduct a post-electoral mission if the post-electoral context so requires (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.

When an OSCE/ODIHR observation mission³ is deployed in the country concerned, the observation mission is carried out in close co-operation with OSCE/ODIHR and the other partner organisations (OSCE PA, EP, NATO PA).

Special cases

In some cases, the Bureau may decide to deploy an election observation mission in the form of an *Election Assessment Mission* or a *Presence on the Occasion of an Election*:

Election Assessment Missions: these take the form of an ad hoc committee specifically set up for this purpose, usually with a membership of five, but never less than three members, to ensure a minimum degree of political and geographical balance.

Presence on the Occasion of an Election: this means the presence of Assembly members during and/or just before an election without any formal observation or assessment of it. The Bureau does not set up an ad hoc committee but decides on the dates of the mission. Delegations usually consist of the country rapporteur(s) of the Monitoring or Political Affairs Committee.

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- OSCE/ODIHR election observation missions are deployed to the country 4-6 weeks before the election. They are led by a head of mission backed by a co-ordination team composed of experts (on electoral matters, law, the media, logistics, security etc) which co-ordinates the work of the long-term observers (LTOs) deployed throughout the country in teams of two approximately 1 month before the election.

Procedure for appointing ad hoc election observation committees

Appointment of ad hoc committee members

Once the Bureau has decided to set up an ad hoc committee and has agreed on the number of members, places are allocated to the political groups on the basis of the D'Hondt rule. The Secretariat contacts the secretariats of the five political groups and asks each group to appoint the members and substitutes who will take part in the observation mission.

Each political group sends the Secretariat its list of members and substitutes for the ad hoc committee together with conflict of interest declarations completed and signed by each member and substitute (*See section on conflict of interest declarations*).

If the Bureau decides to send a pre-electoral delegation, each political group is asked to appoint a member to take part in the mission. The relevant (co-)rapporteur(s) of the monitoring committee are *ex officio* member(s) of pre-electoral delegations (they are not included in the quotas allotted to the political groups).

When appointing members to an ad hoc committee to observe elections, political groups should bear in mind the need to comply with the principles of gender equality and fair geographical representation and should ensure that candidates actually possess the language skills needed to participate meaningfully in the delegation's work (command of English and/or French). It should be noted that English is the de facto working language of the international election observation missions deployed by OSCE/ODIHR and the OSCE PA.

Every effort must be made to ensure a political balance in ad hoc election observation committees, but if some political groups fail to put forward a sufficient number of candidates, while others put forward too many, the Bureau may forego the principle of political balance in the interests of ensuring a strong PACE presence during the observation of the elections.

Election observation missions, including participation to official meetings and observations on election day, are strictly limited to the members of the ad hoc committee appointed by the Bureau.

Appointment of the chairperson of the ad hoc committee

The chairpersons of ad hoc committees are appointed by the Bureau of the Assembly from among their members. The chairperson of the ad hoc committee will also be his/her group's representative on the pre-electoral mission, if it is decided to deploy one.

The political groups chair the ad hoc committees on a rotating basis in order to guarantee an overall political balance in each 12-month period.

Conflict of interest declaration

Members of the ad hoc committee must abide by the provisions of the Code of Conduct for members of the Parliamentary Assembly of the Council of Europe appended to Resolution 1903 (2012).

All candidates for membership of an ad hoc committee are required, at the time of putting forward their candidacy, to make a written declaration of any actual or potential conflict of interest in relation to the country in which elections are to be observed. In particular, members must avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level and their election observation work in the country concerned; if a member is unable to avoid such a conflict of interests, it must be disclosed.

Furthermore, in accordance with paragraph 14 of the Code of Conduct, they must also register with the Secretariat of the Assembly any gifts or similar benefits (such as travel expenses, accommodation, subsistence, meals or entertainment expenses) of a value in excess of €200 that they have accepted from the authorities of the country concerned in the previous twenty-four months, either directly or indirectly.

However, benefits (such as transportation, social or cultural events, meals 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, visit or mission.

Members who have not completed and signed a conflict of interest declaration may not form part of the ad hoc committee concerned.

Conduct of observation missions

The programme and organisation of observation missions are the responsibility of the PACE Secretariat in consultation with the chairperson of the ad hoc committee.

The national parliament of the country observed should provide logistical support for the Assembly ad hoc committee appointed to observe the elections.

Pre-electoral mission

The pre-electoral mission takes place around one month before the actual election and consists of two-three days of on-site meetings, usually in the capital city. Depending on the circumstances, the committee may be required to travel around the country.

The main aims of a pre-electoral mission are to assess the political situation, the election campaign, the organisation of the election and the work of the election authorities and to study the electoral legislation, including the availability of appeals. For this purpose the ad hoc committee will meet, among others:

- representatives of the national authorities;
- representatives of the various bodies involved in organising the elections;
- representatives of the international community, including the OSCE/ODIHR Mission if one is present;
- the leaders of the main political parties or civic movements contesting the elections;
- representatives of the media and NGOs.

Election observation mission

The election observation delegation is composed of all the members of the ad hoc committee. In accordance with Article 15 of the co-operation agreement signed on 4 October 2004 between PACE and the Venice Commission, a member of the Venice Commission assists the ad hoc committee in its work.

As a rule, the mission to the country lasts five-six days, broken down as follows:

- ▶ *Day 1*: arrival of members + meeting of the ad hoc committee
- ▶ *Day 2*: briefing
- ▶ *Day 3*: briefing (contd.) and deployment meeting + departure of teams deployed to remote regions
- ▶ *Day 4*: polling day: observation of the opening of polling stations, voting, vote counting and reporting of results;
- ▶ *Day 5*: ad hoc committee debriefing meeting, statement and press conference, departure of members⁴.

Post-electoral mission

The organisation of post-electoral missions is virtually identical to that of pre-electoral missions, due account being taken of the post-electoral context and developments.

4. Except for the leader of the delegation, members may, if they so wish, leave as soon as the ad hoc committee's debriefing meeting ends.

Practical organisation of the observation mission

Travel and accommodation

It is for the national parliament of members concerned to organise travel for the members of the ad hoc committee. The Secretariat deals with pre-booking of hotel rooms at negotiated rates. Ad hoc committee members are encouraged to plan their travel and accommodation in such a way as to be able to attend the briefing and debriefing meetings.

Reimbursement

The general rule is that the parliaments of the member states cover the expenses of their representatives in the Parliamentary Assembly. Only the travel and subsistence expenses of the members of pre-electoral and post-electoral delegations are covered by PACE.

Background documents

The Secretariat provides all members with a file containing all the documents relevant to the observation mission⁵.

5. Some documents produced by other organisations where English is the official language, may be available in English only.

Deployment

Ad hoc committee members are deployed in teams of two representing different countries and political groups. The Secretariat arranges for a vehicle to be available to each team, together with a driver and a language assistant. The expenses related to this are borne by the PACE.

To optimise observation, it is very important that teams are deployed in such a way as to cover the territory concerned as fully as possible and that due account is taken of specific regional and local circumstances and problems identified in pre-electoral observation missions and previous elections. Ad hoc committee members must be prepared to accept deployment outside the capital.

Teams deployed to remote regions may be deployed on the day before polling day according to the driving time and distances. The members of these teams will need to plan their travel accordingly (ie plan the return journey for two days after polling day or for the afternoon/evening of day 5).

A pre-deployment meeting is held on the day before polling day to discuss all the details of the observation process. On this occasion members will meet the drivers and language assistants, usually selected by the OSCE/ODIHR Mission deployed in the country, who will accompany them on their mission.

Teams 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 and the regions and polling stations they intend to visit.

Members unable to attend the debriefing on the day after polling day may submit their observations on polling day to the chairperson of the ad hoc committee by telephone or in writing.

Accreditation of observers

Assembly observers are accredited by the relevant authorities in the country concerned; the national parliament will take steps to facilitate their accreditation.

For this purpose, the Secretariat will ask members to provide the information and documents needed for their accreditation (photo, copy of their passport or other documents depending on the legislative requirements). Members' attention is drawn to the fact that accreditation is essential for observers and that the time-limit for accreditation must be complied with.

Co-operation in the field

As far as possible, co-operation with OSCE/ODIHR and any other international organisations present (OSCE PA, EP, NATO PA) will be continuous during the observation process in order to ensure, as far as possible, that assessments of the elections do not differ.

Relations with the press

Members must refrain from engaging in public statements, interviews, press conferences and communications via the social networks which might contradict or conflict with the ad hoc committee's final assessment. Similarly, they must refrain from engaging in any public activities which might seem to interfere with the election process or show bias. This applies to all stages in the process up to the press conference.

Observation on the voting day⁶

Observation on the voting day covers the opening of polling stations, voting, vote counting and reporting of the results. To be able to observe the opening and closing of a polling station, the teams must be present at the polling station 15-30 minutes before it opens or closes.

As regards observation of the voting proper, observers are advised to stay for at least 15-20 minutes at a polling station in order to form a proper idea of how the voting is proceeding there. Observers may of course stay longer if they so wish or if they see that there are problems.

6. See also the section on "Observation" in "Practical advice and security".

Upon arrival in a polling station, observers are advised to introduce themselves to the chairperson of the polling station. Members are encouraged to talk also with any representatives of political parties who are present, local observers, polling station staff and voters, without interfering or taking an active part in the process. As a rule, photos and videos are not allowed.

Experience and statistics from the last few years show that the main problems emerge when votes are counted and the results reported. This is usually the most critical stage in the observation process.

During the day, members are encouraged to contact and/or meet with the OSCE/ODIHR long-term observers responsible for the particular region, who can provide a great deal of practical information on the region or give assistance should any problems arise.

Glossary

- **ALDE** – Alliance of Liberals and Democrats for Europe
- **CEC** – Central Electoral Commission
- **EDG** – European Democrat Group
- **EOM** – Election Observation Mission
- **EP** – European Parliament
- **EPP/CD** – Group of the European People’s Party
- **IEOM** – International Election Observation Mission
- **LTO** – Long-term observer
- **NATO PA** – North Atlantic Treaty Organisation
Parliamentary Assembly
- **NGO** – Non-governmental organisation
- **OSCE** – Organisation for Security and Co-operation in Europe
- **OSCE/ODIHR** – Office for Democratic Institutions
and Human Rights of the OSCE
- **OSCE PA – OSCE** Parliamentary Assembly
- **PACE** – Parliamentary Assembly of the Council of Europe
- **SOC** – Socialist Group
- **STO** – Short-term observer
- **UEL** – Unified European Left Group

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Appendix I

Practical advice and security

■ Security

Security is clearly a constant concern in the country or region to which an observation mission is deployed. In addition to the security problems common to all countries, there may be specific risks associated with the context and the environment. Furthermore, election periods often mean tensions and are therefore more sensitive.

Depending on the country and the type of mission, briefings will be given on this question, notably by OSCE/ODIHR experts. It is important to follow the recommendations given.

Personal safety is essentially the responsibility of the individual and depends to a great extent on his/her attitude and knowledge of the situation. It is important, therefore, to find out in advance about the situation and keep track of developments, as a situation can quickly change.

Below is some general advice:

- **Be vigilant at all times:**
*Be constantly aware of your surroundings;
follow your instinct and avoid routine;*
- **Follow any advice you are given:**
*always have a telephone on you with a list of useful
numbers; try to ensure that someone always knows
where you are and/or how to contact you;*

▶ **Respect local customs:**

If you go out, dress as inconspicuously as possible; do not draw attention to yourself; avoid crowds and demonstrations; keep your money and any valuables secure inside your clothing (take only what is strictly necessary); carry no valuables conspicuously on your person.

▶ **Avoid going out at night unaccompanied:**

Keep to well-lit places and streets; be aware of where you are; always be ready to leave quickly; use official taxi companies which have been recommended to you;

▶ **Heed the advice of nationals:**

Your driver, language assistant and any other trustworthy persons;

▶ **In case of danger:**

show initiative: attract attention;

▶ **In post-conflict zones:**

be aware of the risk from landmines and unexploded ordinance; stay on tarmacked roads.

In terms of security, polling day is often more sensitive. So be especially vigilant. Do not hesitate to leave an area or a polling station if you feel the situation is dangerous. You can always return after checking with the LTOs, for example.

Before setting off, you might wish to consult some specialist websites:

- ▶ <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/> (English)
- ▶ http://travel.state.gov/travel/travel_1744.html (English)
- ▶ <http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs/> (French)

Members are encouraged to contact their diplomatic mission in the country.

■ Transport

This is a major concern because, in most of the countries and regions concerned, roads and the vehicles using them are often in fairly poor condition and little respect is shown for the highway code. On polling day, members may be travelling long distances by car, especially if they are deployed outside the area around the capital city.

Here is some advice:

- ▶ Travel only with your driver or official taxi companies. Avoid public transport of the “minibus” type;
- ▶ Always fasten your seat belt; always have a telephone on you with a list of useful numbers;
- ▶ Do not hesitate to ask your driver to slow down and/or change his way of driving if you feel it is inappropriate;
- ▶ Do not take any risks and do not hesitate to ask your driver to turn around if the state of the roads or the weather conditions make it unsafe to continue.

■ In an emergency

Members are advised to use the list of useful telephone numbers which will have been distributed to them and to call as a matter of priority the emergency services (police, fire brigade, ambulance), giving the following details:

- ▶ Who? Your surname and first name and your telephone number;
- ▶ Where? Describe the place where you are (town, street etc);
- ▶ What? Nature of the incident. Is there any risk?
- ▶ What? What urgent needs are there?
- ▶ When? Time of the incident;
- ▶ Who? Persons involved.

■ **What to take with you**

Election observation missions are field missions. When not attending briefing meetings, you may be called upon to go anywhere in the country: rural areas, cities, mountainous areas etc.

Here are some tips on what to take with you:

- ▶ Suitable clothing and footwear depending on the country, the climate and the season;
- ▶ Any medicines you may need;
- ▶ A mobile phone and a small torch;
- ▶ A photocopy of your passport;
- ▶ On polling day, it is advisable to take food and water with you, especially for observation of the vote counting and reporting of the results.