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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**in co-operation with**  
**THE CENTRAL ELECTION COMMISSION OF AZERBAIJAN**

**ELECTORAL TRAINING SEMINAR**  
**FOR THE TRAINERS OF THE CENTRAL ELECTION**  
**COMMISSION**

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**REPORTS**

**by**

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**“RIGHTS AND DUTIES FOR BOTH INTERNATIONAL AND  
NATIONAL ELECTIONS OBSERVERS THROUGHOUT THE  
ELECTORAL PROCESS INCLUDING THE POLLING DAY”**

*Ms Chantal LOBATO (FRANCE)*

## **I. Introduction**

Elections Observation Mission is seeking answer whether electoral process has been free and fair.

From experience we can say that controversial issues regarding the electoral process are often raised by political parties. Controversial issues are based on irregularities done before and/or after the polling day but not so often the day D.

This remark has two implications:

1. On the deployment plan of observers, and
2. On what is expecting from observers.

Institutional actors of the electoral process (security force assigned for elections, electoral commission, members of voting station, candidates/political parties registered for electoral process, etc...) expect from Observers both international and national to be independent from political parties, to assess and report with objectivity and impartiality the electoral process. The Observers duty is to estimate whether the electoral process in global has been free and fair, in other words whether the result of the elections reflects the wish of the population, rather than strictly reports all the irregularities which can occur throughout the electoral process. Observers do not directly supervise or check but they assess the electoral process.

## **II. Coordination and deployment of observers**

Elections Observation Mission conducted by international organisations adopts a standard approach. National observers are recommended to follow this standard approach.

Before any decision to deploy, observers in the concerned country as well as the international organisation will send an **Exploration Mission** to take into account the legal and political situation in order to determine whether the minimum conditions for democratic elections are in place.

Main criteria are:

- electoral process is universal;
- political parties and candidates are enable to participate to electoral process;
- freedom of expression, freedom of movement and freedom of assembly are respected;
- registered political parties have access to media.

Then, the international organisation will require an invitation from the host government. Also, the host government will issue a letter of **accreditation** that clearly defines the conditions of work for observers such as:

- security situation,
- freedom of access to political parties and institutional actors of electoral process,
- access to polling station and counting process,
- access to information,
- freedom of movement.

When accreditation is clearly defined by the host government, a **core team** will start working and organising the deployment plan of **Long term and Short term observers**.

### **III. Coordinating group**

The core team/coordinating group will be responsible to undertake the logistic component of the deployment of observers. They will work on the ground from the beginning to the end of the electoral process.

The core team/coordinating group will have to collect all information concerning the electoral process and in particular have the electoral code in its hands as soon as possible. The electoral code is the key document for observers; sometimes the translation will be required; a summary (comprehensive version of the electoral law) will have to be produced.

The core team/coordinating group will organise the training of observers.

An observer who has not been well trained or/and does not have the legal texts and documents in his hand can be a counter productive observer.

Prior to be deployed the observer must be aware of:

- The rights and duties of national institutional actors,
- the electoral law and legal text related to the electoral process,
- to be enable to make the difference between an irregularity, a mistake done by incompetence and a minor mistake,
- aware anytime of the evolution of the political and security situation in the country,
- understand the objectives of the observation,
- understand the implication of the presence of observers on the ground.

A well trained observers team will be enable to fulfil the objective of the mission:

- conduct a comprehensive analysis of the electoral process,
- report an impartial, balance and informed assessment of the election,
- make recommendation for further consolidation of the development of the democratic process in the country.

The presence of observers on the field has the following objectives:

- to seek reduce tension,
- to build confidence in the electoral process,
- to minimise the instance of fraud.

The core team will liaise and coordinate with the institutional actors involved in the electoral process at all level: national/constituency and local levels.

The core team will officially announce the statement of the Elections Observation Mission.

At this point the approach is slightly different for national observers. Observers from political parties and observers from NGOs usually do not require coordination and training because they believe knowing everything. However it would be highly recommended that a team could coordinate national observers who should understand that knowing the electoral process does not mean that they are ready to conduct a good observation exercise during the electoral process.

#### **IV. Long term observers**

The Long Term observers are usually deployed 2/3 months before the polling day. International Teams are composed of experienced persons in electoral process but their profile can be different from one to another: expert in constitutional law, electoral law, judge, trainer or logistic manager.

National teams gather also people who have a judicial background.

Their tasks will be:

- to assess the voter registration
- to assess the candidates registration
- to assess the electoral campaign and in particular the access for political parties and candidates to media
- to assess the voter education
- to coordinate and assess the work of electoral commission at all level : national, regional and local levels
- to liaise and coordinate with national observers
- to assess the location and condition of polling stations
- to assess the training and nomination of the members of the polling stations.

Their tasks will be performed by holding regular meetings with the concerned institutional actors of the electoral process.

A part of the electoral components of their duties will also to prepare the arrival of the Short Term observers.

#### **V. Short Term observers**

The Short Term observers will arrive in the country a few days before the polling day and will stay until the counting process.

The profile of short terms observers covers a large spectrum: journalists, teachers, judges, members of parliament, etc, but all are well aware of electoral process.

They need a few days to be trained and deployed at regional and local levels.

Their tasks focus the polling day and the counting process:

- assess the logistic component on the electoral material delivery at the polling station,
- assess the security procedure for ballot paper, ballot box, etc,
- assess the instance of intimidation to voters,
- competence and impartiality of persons accredited in the polling station,
- assess the electoral process on the polling day,
- assess the counting process,

- can also assess the reporting process of result from local to regional/national level.

## **VI. National observers**

At this point we would like to underline that what has been said so far concerns both international and national observers like:

The objective of the electoral observation mission, as well as the rights and duties are the same for both international and national observers. Their presence throughout the electoral process must respect the legal frame of the country and be clearly defined by a letter of accreditation.

Also, we have to emphasize the need to train them and to facilitate their co-operation with the international observers.

According to electoral law, the national observers can be recruited from local NGOs and from political parties.

Often, the co-ordination among national observers is a loose structure. The direct implications of the lack of coordination are a non relevant plan of deployment and the presence of not well trained observers.

From experience, I would like to draw attention of everybody that national observers need to be trained:

- on the electoral process and the electoral code,
- on the objectives, the rights and the duties, as well as the implications of the presence of observers

## **VII. Observers Code of conduct**

### Duties of observers:

- impartiality
- independency from political parties
- objectivities
- respect of the legal frame of the host country
- to write an impartial, balanced and informed report on the electoral process (including both positive and negative aspects)
- work in duo
- not interrupt or disturb in any circumstances
- no interference in the electoral process
- not respond to any provocation from anyone
- report assessment strictly to his supervisor but never to media
- behave with courtesy and empathy but never sympathy
- hold his letter of accreditation and ID at all times

Rights of observers

- free movement in his assigned territory
- free access to institutional actors involved in the electoral process
- free access to information
- free access to legal documents related to electoral process
- right to security
- access to polling station and counting process

It is recommended that observers both international and national should hold this code of conduct with them all the time

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**THE ROLE OF THE CONSTITUENCY AND  
PRECINCT ELECTION COMMISSIONS<sup>1</sup>**  
(Baku CEC TOT)

*Mr Jean-Stéphane SZIJARTO (SWITZERLAND)*

What is the basis of the Republic of Azerbaijan's State Power?

The will of the people of Azerbaijan constitutes the basis of the Republic of Azerbaijan's State Power.

RULE

The will of the people of Azerbaijan constitutes the basis of the Republic of Azerbaijan's State Power.

RULE

The will of the people of Azerbaijan is expressed in **fair and regular elections** based on general, equal and direct suffrage by means of **secret and personal vote** as well as in nationwide opinion poll - referendum based on general, equal and direct suffrage by means of secret and personal vote.

RULE

The Azerbaijan State guarantees free expression of the will of the people of Azerbaijan Republic by protection of principles and norms of universal suffrage.

What do prosperous countries have in common?

Long term prosperous states are based on democracy, be they socialist or liberal

WHY?

Who are the people in ECs'?

- They are normal people
- They fight for their own prosperity

Who are the people in ECs'?

- Their short term interest might be to follow a party's injunction, or accept a local politician's bribe
- Their long term interest is to make sure their country becomes prosperous, because they and their children will benefit from it.
- They should therefore strive for democracy.

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<sup>1</sup> From a Power Point presentation.

## Values :

- Love
- Honesty
- Freedom
- Free expression
- Integrity
- Harmony
- Family
- Work
- Country
- Respect
- Attention
- Learning
- Creativity
- Honour

**Various relevant articles:**

2.6 The persons participating in elections (referendum) shall follow the principles given below:

2.6.7 not to obstruct the voters to express their will freely

2.7 Violation of Articles 2.6.2-2.6.5, 2.6.7, 2.6.10, 2.6.11, 2.6.13-2.6.18 of this Code shall impose liabilities under the Criminal Code or the Code of administrative Offences of the Republic of Azerbaijan

## Article 3. Universal Suffrage.

Irrespective to their race, nationality, religion, language, gender, origin, property status, office position, persuasions, belonging to political parties, trade unions and other public associations, or other status, Azerbaijan Republic's citizens shall have the right to elect, to be elected and to participate in referendum.

17.2 Within the authorities established by this Code, election (referendum) bodies – election (referendum) commissions **shall ensure the preparation and holding of elections (referendum), determination of voting results and election (referendum) outcomes, realization and protection of citizens' suffrage,** and control the observation of the mentioned rights.

17.3 Within the boundaries of the authority established by this Code, the **election (referendum) commissions shall not depend on** State bodies, municipal institutions, political parties, non-government organizations and other public organizations, other legal entities and physical persons with regard to preparation and holding of elections (referendum); and they and their officials be not allowed to intervene in the activity of election (referendum) commissions. Persons intervening in or influencing the work of election (referendum) commissions shall bear administrative or criminal liability, in accordance with the Criminal Code or the Code of Administrative Offences.

17.6 During organization and holding of elections (referenda), the election (referendum) commissions, their members and other officials should follow the requirements, when undertaking their activities as given below:



- 17.6.1 ...
- 17.6.3. should be neutral and impartial towards a candidate, political party, referendum campaign groups and voters;
- 17.6.4. ...
- 17.6.5. should not admit a conflict of official and personal interests as an administrator of elections (referenda);
- 17.6.6. ...
- 17.6.9. should not take part in activity (including private activity) that can lead to a preconceived attitude towards any candidate, political party, referendum campaign group;

19.4 Election commissions shall take decisions within their authority.

22.7 Regardless of their status, the commission members shall bear liability established for officials by the Criminal Code or Code of Administrative Offences of the Republic of Azerbaijan, for violation of requirements of the present Code.

37.1 The Precinct Election Commission shall perform the following duties during preparation and conduct of referendum, elections of deputies to the Milli Majlis, Presidential elections and elections to municipalities:

- 37.1.1. ...
- 37.1.4. inform the voters about the issues to be discussed by a referendum, about the registered candidates and the list of registered candidates;
- 37.1.5. control compliance with the rules for pre-election and pre-referendum campaigning within the territory of the election precinct;
- 37.1.7. organize voting on the voting day at the election precinct;
- 37.1.8 determine the voting results for the election precinct, counts votes and delivers the protocols on voting results to the Constituency Election Commission;
- 37.1.9 examine complaints on violation ...

Feedback :

- Purpose of FB should be to help, not to release oneself
- It must be Clear, Concise, Factual
- Feedback can be replaced by Feed Forward
- Receiver should say Thank you without other comments. (s)he can take it or not, it is his(her) choice.
- Format must be:
  - o Positive stuff,
  - o Things to possibly improve (NOT negative stuff),
  - o Positive stuff.