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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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**DRAFT DECLARATION OF PRINCIPLES
AND DRAFT CODE
FOR INTERNATIONAL ELECTION OBSERVATION**

AND

**DRAFT PLEDGE TO ACCOMPANY THE CODE OF CONDUCT
FOR INTERNATIONAL ELECTION OBSERVER**

prepared by

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BRUSSELS MEETING DRAFT BY: UNEAD – NDI – The Carter Center
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DRAFT DECLARATION OF PRINCIPLES
FOR INTERNATIONAL ELECTION OBSERVATION

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, and are an internationally recognized human right. They serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced. Genuine democratic elections are the vehicle through which the people of a country freely express their will as to who shall have the authority to govern in their name and in their interests. They are therefore a requisite condition for democratic governance.

At the same time, genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other such status, and without arbitrary and unreasonable restrictions. They, like other human rights and like democracy more broadly, cannot be achieved without the protections of the rule of law. These factors are recognized by international human rights instruments and by the documents of numerous intergovernmental organizations. Achieving genuine democratic elections therefore has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

International election observation serves to express the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation is part of international human rights monitoring and must be conducted on the basis of the highest standards for political impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. International election observation can help to ensure the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes; it can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial characterizations about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), national election monitoring organizations and other credible international election observer organizations, among others.

The intergovernmental and international nongovernmental organizations endorsing this Declaration and the accompanying Code of Conduct for International Election Observers, therefore have joined to declare:

- 1) Genuine elections are an expression of sovereignty and are an internationally recognized human right. They are central for maintaining peace and stability, and they provide the mandate for democratic governance.
- 2) In accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international human rights instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions; this right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.
- 3) The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected; a significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.
- 4) International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should when possible include the offering of recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations to conduct international election observation.
- 5) International election observation evaluates pre-election, election-day and postelection periods, although specialized observation missions may examine limited preelection or post-election processes as long as they make clear public statements that their activities and conclusions are limited in scope and they draw no conclusions about the overall election process based on such limited activities. International election observation examines conditions relating to the right to vote and to be elected, including discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, ethnicity, physical disabilities or other status.
- 6) International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community; no one should be allowed to be a member of an international election observer mission

unless that person is free from any political, economic or other conflict of interest that would interfere with conducting observations and/or drawing conclusions about the character of the election process accurately and impartially. International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, because that would raise a significant conflict of interest and undermine confidence in the mission.

7) International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), which present their findings, conclusions and any appropriate recommendations they determine could help improve electoral and election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and issue a final report upon the conclusion of the election process. International election observation missions may conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.

8) The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions and avoid inconsistencies among them.

9) International election observation must be conducted with respect for the sovereignty of the country holding elections and with respect for the international human rights of the people of the country; international election observation missions must respect the laws of the host country, as well as national authorities, including electoral bodies, and act in a manner that is consistent with respecting and promoting human rights and fundamental freedoms.

10) International election observation missions must actively seek cooperation with host country electoral authorities and must not obstruct the election process.

11) A decision by any organization to organize an international election observation mission or to explore the possibility of organizing such a mission does not imply that the organization deems the election process in the country holding the elections to be credible; however, an organization should not send an international election observation mission to a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process and should make public statements to ensure that any presence does not imply such legitimacy.

12) An international election observation mission should not be organized unless the country holding the election:

- (a) Issues an invitation or otherwise indicates its willingness to accept international election observation missions in accordance with each organization's requirements sufficiently in advance of elections to allow observation of all of the processes that are important to organizing genuine democratic elections;
- (b) Guarantees unimpeded access of the international election observer mission to (i) all stages and elements of the election process, (ii) electoral officials at all levels, upon reasonable requests, (iii) members of legislative bodies and governmental and security officials whose functions are relevant to organizing genuine democratic elections, (iv) all of the political parties, organizations and persons that have sought to compete in the elections (including those that qualified, those that were disqualified and those that withdrew from participating) and those that abstained from participating, (v) the news media and (vi) all organizations and persons that are interested in achieving genuine democratic elections in the country;
- (c) Guarantees freedom of movement around the country for all members of the international election observer mission;
- (d) Guarantees the international election observer mission's freedom to issue public statements concerning its findings and recommendations about the election process;
- (e) Guarantees that no governmental, security or electoral official will interfere in the selection of individual observers or other members of the international election observation mission;
- (f) Guarantees country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and nondiscriminatory requirements for accreditation; and
- (g) Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission. As a prerequisite to organizing and international election observation mission, intergovernmental and international nongovernmental organizations may require that such guarantees are set forth in a memorandum of understanding or similar document agreed upon by governmental and/or electoral authorities.

13) International election observation missions should seek and may require acceptance of their presence by all major political competitors.

14) International election observation missions should establish communications with all political competitors in the election process, welcome information provided by them concerning the nature of the process, independently and impartially evaluate such information and should evaluate as an important aspect of international election observation whether the political contestants are, on a nondiscriminatory basis, afforded access to verify the integrity of all elements and stages of the election process. International election observation missions should in their recommendations, which may be issued at various stages of the election process, address removing any undue restrictions or interference against activities by the political competitors to verify the integrity of electoral processes.

15) Citizens have an internationally recognized right to associate and a right to participate in governmental and public affairs in their country. These rights may be exercised through nongovernmental organizations monitoring processes related to elections and observing procedures inside polling stations, counting centers and other electoral facilities. One important aspect of international election observation should be to evaluate and report upon whether domestic nonpartisan election monitoring and observation organizations are able to conduct their activities without undue restrictions or interference. International election observation missions should in their recommendations address removing any such undue restrictions or interference.

16) International election observation missions should identify and cooperate as appropriate with credible domestic nonpartisan election monitoring and observation organizations. Upon independent evaluation of information provided by such organizations, their findings can provide an important complement to the findings of international election observation missions. International election observation missions therefore should make every reasonable effort to consult with such organizations before issuing any statements.

17) The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ.

18) The intergovernmental and nongovernmental organizations endorsing this Declaration recognize that there are a variety of methodologies for observing election processes and commit to sharing approaches and harmonizing methodologies as appropriate; they also recognize that international election observation missions must be of sufficient size to determine independently and impartially the character of election processes in a country and must be of sufficient duration to determine the character of all of the critical elements of the election process in the pre-election, election-day and postelection periods – unless an observation activity is focused on and therefore only comments on one or a limited number of elements of the election process.

19) The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that international election observation missions should include persons of sufficiently diverse professional skills to observe and judge processes in light of: international human rights and electoral principles; comparative election law and administration practices (including use of computer and other election technology); comparative political processes and country specific considerations. The endorsing organizations also recognize the importance of gender

diversity in the composition of participants and leadership of international election observation missions, as well as diversity of nationalities in such missions.

20) The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to: brief all participants in their international election observation missions concerning the principles of accuracy of information and political impartiality in making judgments and conclusions; provide a terms of reference or similar document, explaining the purposes of the mission; provide information concerning relevant national laws and regulations, the general political environment and other matters; instruct all participants in the election observation mission concerning the methodologies to be employed; and require all participants in the election observation mission to read and pledge to abide by the Code of Conduct for International Election Observers, which accompanies this Declaration and which may be modified without changing its substance to fit requirements of the organization, or pledge to abide by a preexisting code of conduct of the organization that is substantially the same as the accompanying Code of Conduct.

21) This Declaration and the accompanying Code of Conduct for International Election Observers are intended to be technical documents that do not require action by the political bodies of endorsing organizations (such as assemblies, councils or boards of directors), though such actions are welcome. This Declaration and the Accompanying Code of Conduct for International Election Observers remain open for endorsement by other intergovernmental and international nongovernmental organizations. Endorsements should be recorded with the United National Electoral Assistance Division.

22) The endorsing organizations recognize that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organizations welcome any such observers agreeing on an ad hoc basis to this declaration and abiding by the accompanying Code of Conduct for International Election Observers.

BRUSSELS MEETING DRAFT BY: UNEAD – NDI – TCC**DRAFT CODE OF CONDUCT FOR
INTERNATIONAL ELECTION OBSERVERS**

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations in order to provide an impartial and accurate characterization of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including long-term and short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country. Genuine elections are a human right, and they require the exercise of a number of other human rights and fundamental freedoms. Election observers must respect the sovereignty of the host country and the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international human rights instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, training and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must

report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be perceived reasonably as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers 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 observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behavior

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may be expelled from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

BRUSSELS MEETING DRAFT BY: UNEAD – NDI – TCC**DRAFT
PLEDGE TO ACCOMPANY THE CODE OF CONDUCT FOR
INTERNATIONAL ELECTION OBSERVER**

I have read and understand the Code of Conduct for International Election Observers that was provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I also will respect the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement.

Signed: _____

Print Name: _____

Date: _____