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**FIFTH EASTERN PARTNERSHIP
FACILITY SEMINAR
ON ELECTION OBSERVATION
AND CENTRAL ELECTORAL COMMISSIONS**

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**THE EXPERIENCE OF THE COUNCIL OF EUROPE
PARLIAMENTARY ASSEMBLY IN ELECTION OBSERVATION**

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I will develop the following points:

- I. Short introduction on PACE election observation missions from the origins to now
- II. Guidelines for the observation of elections by the Parliamentary Assembly
 1. Election as a process
 2. Some principles to establish election observation missions by PACE
 3. Conflict of interest and code of conduct of members of election observation missions
 4. Preparation of elections observations reports
 5. Follow up of the recommendations dealing with problems identified in election observation reports of PACE

I. Short introduction on PACE election observation missions from the origins to now

1. For the first time the Parliamentary Assembly observed elections in a member state in 1974, in Greece. Our Assembly was at the origin of the introduction of elections observations exercise in the European continent. But the observations became systematic since 1989 and since that date the Assembly observed more than 145 national level elections in Europe and more than 2000 deputies members of your Assembly from 47 countries participated to the observations missions. This Assembly played a key role to create normative bases of election legislations.

2. With the institution of special guest status in 1989, the principle that national legislative assemblies are chosen by regular, free and fair elections became a central precondition for any parliament in Europe seeking special guest status with the Assembly. This principle was further developed and became a clear precondition for accession to the Council of Europe by the Vienna Declaration, adopted at the first Council of Europe Summit of Heads of State and Government in October 1993.

3. With the gradual establishment of a monitoring procedure and post-monitoring dialogue, obligation on free and fair elections has been regularly monitored by the Parliamentary Assembly in member States which are subject to a monitoring procedure or post-monitoring dialogue. The same condition has been imposed with respect to the more recently created Partner for Democracy status for parliaments in the Council of Europe's neighbourhood.

II. Guidelines for the observation of elections by the Parliamentary Assembly

1. Elections as a process

- For the Assembly an election is not a one day exercise, but rather a continuous process involving several stages, all of which need to be analyzed in order to assess an election (role of different committees of the Assembly, reports on elections linked issues, other elections linked reports and projects prepared by different bodies of the CE – the Assembly has its own and permanent tools and it can use also those of other bodies of the CE for following evolution in countries where it will be invited to observe elections)
- The Assembly via the reports of its Monitoring Committee, sometimes also using the reports of other committees, via the opinions and expertise of the Venice Commission is able to give evaluation of the election legislation. The quality of that legislation is a major, although not the unique criterion to assess an election
- The second stage starts with the date when an election is called. That date, in normal circumstances involving regular elections, should be reasonably distant from the voting day 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 voting day proper, and the vote counting
- The next stage is the declaration of results of an election, followed by a complaints period stage

2. Some principles to establish election observation missions by PACE

- The Assembly observes elections in countries under monitoring procedure and post-monitoring dialogue (now 10 countries are under monitoring procedure and 4 - under post monitoring dialogue) or in countries where we are invited to observe (some examples: Morocco has the status “Partner for Democracy” and has a clear commitment to organise free and fair elections in compliance with relevant international standards; Kazakhstan with cooperation agreement between Assembly and the Parliament of Kazakhstan; later may be in Tunisia, in Palestine where the Assembly observed elections, may be in Kirgizstan also)
- The observation of elections plays an important role in the assessment of the overall political situation of the country in question. Around one month before the date of election a pre electoral mission is organised to evaluate the political climate during pre electoral campaign
- Principle of multiparty representation of all five political groups of the Assembly in an election observation mission. The composition of the observation delegation is determined according to an appointment system taking into account the MPs numbers of political groups on the understanding that each political group should be represented
- The members of observation delegations varies between 5 and 40 members and include any already appointed rapporteurs of the Political Affairs Committee, Committee on Legal Affairs and Human Rights and the Monitoring Committee for the country concerned; in special cases the Bureau can decide to increase this number
- The observation delegation should ensure a political balance. This principal is a fundamental for us. If you compare with other European parliamentary organisations observing elections – you can see it is not the case for them. But in the case when some political groups are not able, for different reasons, to complete their quotas, than candidates from other groups who are on waiting lists, can be invited to complete the delegation in order to assure a strong PACE presence during election observation
- Principle of geographical balanced representation of election observation mission
- The five political groups should respect the principle of gender balance of observation delegation when presenting the candidates
- Principle of media silence of the election observation missions members until the final press conference after the election
- The Chairmanship of the ad hoc committees shall rotate between political groups to ensure, generally, an overall political balance over a 12-month period

3. Conflict of interest and code of conduct of members of PACE election observation delegations

- Members of observation delegations have to respect the Code of Conduct for members of the Parliamentary Assembly of the Council of Europe appended to Resolution 1903 (2012)ⁱ
- In particular, members of observation delegation, in the accomplishment of their pre-electoral, electoral or post-electoral duties, shall avoid conflicts between any actual or potential economic, commercial, financial of other interests on a professional, personal or family level and their election observation activity in the country concerned; if a member is unable to avoid such a conflict of interest it should be disclosed
- Members shall not request or accept any fee, compensation or reward intended to affect his or her conduct as a member of a delegation. They shall avoid any situation that could appear to be a conflict of interest or receiving an inappropriate payment or gift

- All candidates for membership for an observation delegation, at the time of putting forward their candidacy shall make a written declaration regarding the absence or otherwise of any actual or potential conflict of interest in connection with the country concerned by an election observation
- The aforementioned declarations shall be made available to the Bureau when it approves the composition of a delegation. If such declaration is not signed by a member – he or she cannot be a member of the Assembly observation delegation
- Members of an observation delegation shall refrain from engaging in public statements interviews, press conferences or communications via social networks which could contradict or conflict with the final assessment made by the delegation. This applies at all stages of the process: during the pre-electoral period, including in the context of a pre-electoral mission, during and following the election day, including in the context of a post-electoral mission
- Members of a delegation shall abstain from engaging in public activities which could appear to interfere in the electoral process or could be considered as partisan. This applies at all stages of the process: during the pre-electoral period, including in the context of a pre-electoral mission, during and following election day, including in the context of a post-electoral mission.

4. Preparation of PACE election observation reports

- The Chairperson of an observation delegation drafts a report on the election observation mission, which later is submitted to the Bureau and then to the Assembly as part of the progress report of the Bureau.
- This report shall be based on the information received during the meetings held during the pre-electoral and main mission of observation, in line with the press release and preliminary findings and conclusions of the International election observation mission (IEOM), and take into account the comments and assessments of all members of the delegation concerning the election day made during the observation delegation's meeting on the day following the vote or in written form within a deadline fixed by the Chairperson, as well as relevant documents of the Monitoring Committee. In principle, all members of the observation delegation shall be consulted on the draft before the report is issued.

5. Follow up of the recommendations dealing with problems identified during elections observations missions of the Parliamentary Assembly

- In 2012 the Assembly adopted the Resolution1897 on ensuring greater democracy in electionsⁱⁱ. The rapporteur was Jean-Charles Gardetto from Monaco. In this document the Assembly noted that very often recommendations made in the framework of election observation reports are not implemented fully by the authorities of the countries concerned. The report illustrates how, from one election to another, election observation reports identified recurrent problems and repetitive irregularities. This undermines the effectiveness of election observation as a mechanism for securing greater democracy in elections
- In order to reinforce the election observation mechanism it was suggested, among other measures, to organize systematic exchanges of views in the Monitoring Committee prior to and following an election. Specific shortcomings identified in observation reports will be integrated fully into the Monitoring corapporteurs' dialogue with authorities
- Monitoring reports and the annual progress report have to reflect how recommendations of election observation missions have been implemented if not why
- It was proposed to explore the possibilities with GRECO (the Group of States against Corruption) to provide memoranda on financing election campaigns and political parties concerning countries where elections are observed

- Another suggestion was made to explore the possibilities with the ECtHR of providing memoranda covering country-specific case law on elections linked issues for the members of observation delegations
- To strength the synergies with international organizations and NGOs.

ⁱ See PACE Resolution 1903 (2012)

ⁱⁱ See PACE Resolution 1897 (2012)