

# DOMESTIC ELECTION OBSERVATION KEY CONCEPTS AND INTERNATIONAL STANDARDS

## EXECUTIVE SUMMARY

Genuine elections are the root of democracy: they express the will of the people and give life to the fundamental rights enshrined in the Universal Declaration of Human Rights, such as the freedoms of opinion and expression, peaceful assembly and association and the right to take part in the government through freely elected representatives.

The participation of civil society is essential: In particular, election observer groups play a role in promoting the integrity of the process and contribute to deter fraud, instil trust in the overall process, and provide an informed opinion on the electoral framework and process that can inform the work of other stakeholders – in particular, election administrators, political parties, and the media.

Election observation is conducted by non-partisan civil society organisations that base their assessment of the electoral process on relevant national laws (such as the constitution and electoral legislation, etc.) and on the international obligations states have accepted in treaties covering the conduct of elections. On this basis, they produce public reports and statements that inform debates about political reform.

National observers have key role to play because they are able to monitor the entire electoral cycle, deploy much larger numbers of observers than international groups and they are more familiar with the country's political and cultural context. Thus, international election observation missions do not represent a substitute for domestic observation.

Also, political party agents fulfil a different function than domestic non-partisan observers. Although their work appears to be similar around election day, the role of non-partisan election observers is fundamentally different: party agents are fielded to ensure that their candidates are treated according to law, while domestic observers are neutral in this regard. A non-partisan approach is vital for their work.

To underline their neutrality, it is advisable that domestic observers agree on a binding code of conduct that commits them to non-partisan behaviour. Such codes of conduct also include the principle of non-interference in the electoral process. The Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and its Code of Conduct provide a good expression of these principles.

Up to date, domestic observation follows the entire electoral cycle, including election law reforms, the campaign, voter registration, voting operations, complaints and appeals, and the installation of elected bodies. This Briefing Paper provides an overview of citizen election observation methodology and an introduction to the elements of the electoral cycle.

## 1. NORMATIVE FRAMEWORK FOR ELECTION OBSERVERS: NATIONAL LAW, INTERNATIONAL OBLIGATIONS AND HUMAN RIGHTS LAW

The standards used by international observers and domestic observer groups to assess an electoral process are usually found in national legislation, such as the electoral law, administrative regulations and the constitution, as well those enshrined in international human rights law. The most important international references are the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention of the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of All Forms Racial Discrimination (CERD).<sup>1</sup>

The Universal Declaration of Human Rights, Art. 21, reads: *“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”* Further, Art. 25 of ICCPR stipulates: *“Every citizen shall have the right and the opportunity [...] (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”.*

Observers should note that international standards also underline the importance of non-partisan election observation. The UN Human Rights Committee provides the authoritative interpretation of ICCPR Art. 25 in its General Comment underlines the need for observers to enjoy access to the election process, recognizing observation as a key element of genuine elections: *“There should be independent scrutiny of the voting and counting process [...] so that electors have confidence in the security of the ballot and the counting of the votes”.*<sup>2</sup> Thus, according to the UN Human Rights Committee, scrutiny by independent organizations is directly related to the right to political participation and is inherently linked to the legitimacy of the process.

## 2. ROLES AND FUNCTIONS OF CITIZEN ELECTION OBSERVERS

Domestic election observation is vital for the transparency and ownership of electoral processes in countries in transition: playing a neutral role, election observers can help increase trust in the overall process, promoting electoral integrity, mitigating potential conflicts and providing impartial opinions.

It is important to distinguish domestic observers from political party agents. Their roles are fundamentally different, although both types provide safeguards against electoral fraud and malpractice: While party agents represent their political group and make sure their candidate's rights are met, domestic observers are politically neutral and non-partisan.

It is further important to differentiate between domestic observers, who, as civil society representatives, have the right to participate in the political affairs in their country, and international observers, who travel to other countries following an invitation from the relevant authorities.

Both domestic observers and international observers aim to contribute to democratic development and to increase trust in the electoral process and both provide an analysis of eventual shortcomings and recommendations for improvement. However, there are some fundamental differences:

- Domestic observers have extensive knowledge of their country and national politics.
- Domestic observers contribute to a stronger civil society, with an active role in promoting the integrity of elections and participating in the development of democratic institutions along the full electoral cycle.
- Domestic observers can mobilise many more volunteers than international observers and can therefore have a much broader coverage.
- Domestic observers might be able to reach remote places, which international observers cannot access.
- International observers usually get more attention from national authorities and the media. In contexts of political repression they are freer to report the truth without fear of retribution.
- International observers usually have developed methodologies and comparative experience and knowledge from elections in other countries.
- Domestic and international observation missions can share relevant information, including logistical and security conditions for deployment.
- International observers cannot grant funding to domestic observers.

<sup>1</sup> Myanmar has ratified CEDAW and CRPD.

<sup>2</sup> Each of the treaty bodies publishes its interpretation of the provisions of its respective human rights treaty in the form of “general comments”. The general Comment on Art. 25 of ICCPR can be found here: [http://ccprcentre.org/doc/ICCPR/General%20Comments/CCPR.C.21.Rev1.Add7\\_%28GC25%29\\_En.pdf](http://ccprcentre.org/doc/ICCPR/General%20Comments/CCPR.C.21.Rev1.Add7_%28GC25%29_En.pdf)

Domestic election monitors fulfil the following functions:

*a. Independent scrutiny of the electoral process*

Non-partisan observers gather information about all elements of the electoral cycle and provide an impartial and objective assessment. This includes the production of evidence-based assessments and public reports that are distributed amongst key actors such as the election administration, political parties, the media, the international community and the electorate.

*b. Deter electoral fraud and malpractices and advocacy for an improved electoral framework*

The presence of citizen election observers provides additional safeguards in the electoral process, complementing the control mechanisms that are put in place by the election administration. Their presence can deter attempts of fraud and defuse potential areas of conflict. While observers shall not interfere in the polling process, they have a role in advocating for improvements in the electoral framework. By formulating concrete recommendations and highlighting options for reform, observer groups fulfil a key policy role, conducting advocacy with the election management body, the parliament and political parties.

*c. Promote trust & participation in the electoral process*

Through their non-intrusive presence in polling stations and their objective reporting, non-partisan observers can help to increase the overall confidence in the electoral process. Public trust in the neutrality of the election administration and the overall integrity of the process can lead to higher levels of voter turnout and candidates' acceptance of the election results.

### 3. OBSERVATION ALONG THE FULL ELECTORAL CYCLE

Elections are not one-off events every four or five years: They are part of a cyclical process that is generally divided into the pre-election period (approximately 18 to 3 months before elections), the election period, which comprises three months before elections up until election day and the post-elections period, the period comprised between election day to the start of the new cycle. The chart below illustrates the different activities that will be observed during each of the phases:

#### PRE-ELECTION PERIOD

During this phase, domestic observer groups usually engage in legal framework reforms, advocating for an inclusive reform process to make sure that all relevant

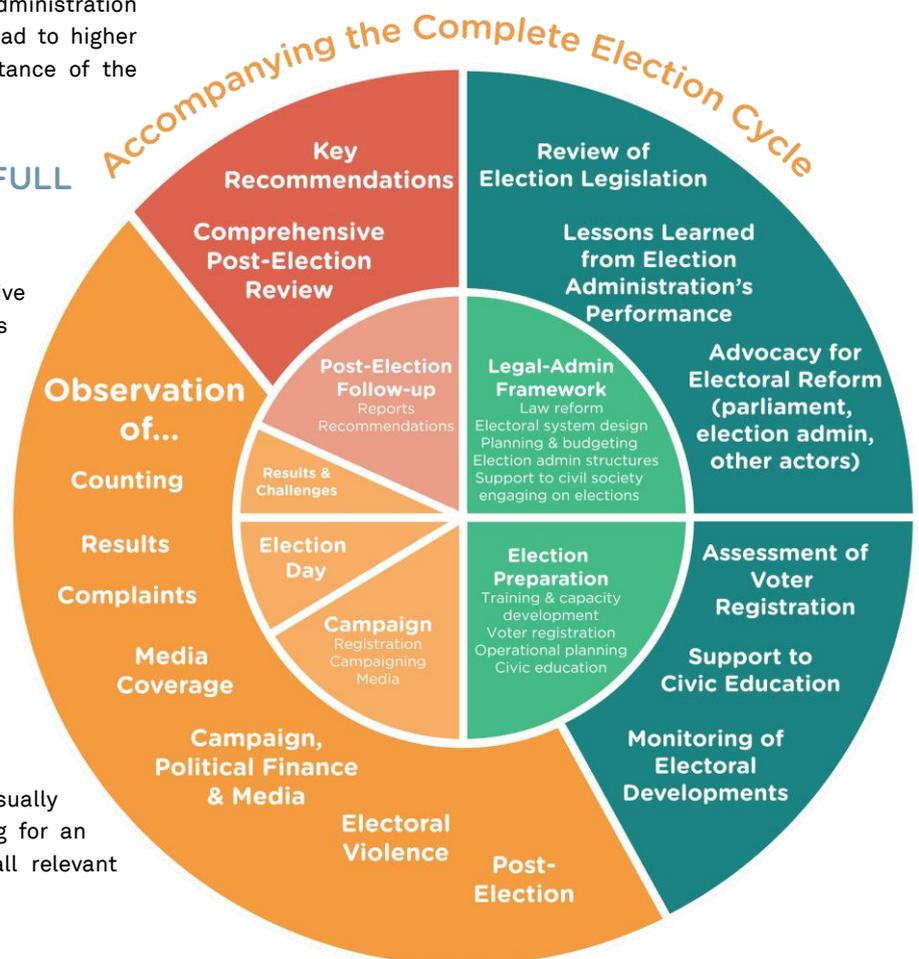
actors agree on the proposed amendments. The key stakeholders that observer groups frequently address in this stage are: the election administration, the parliament, political parties, the media and the electorate/wider public.

*a. Assessing the legal framework*

The legal framework consists of the constitution, the election laws and the administrative rules or regulations that govern the conduct of elections. Election observers are advised to analyse this legal framework against the international obligations and commitments a country has agreed to. They also should check for internal consistency as well (i.e. a law should abide by the constitution). Analysing the legal framework enables observers to identify possible shortcomings and areas of improvement and to focus their advocacy on specific recommendations. Critical flaws in an election law undermine elections well before ballots are cast.

*b. Observing boundary delimitation*

Electoral boundary –or constituency- delimitation consists of the process of drawing electoral districts, each of them electing a fixed number of representatives. The regular revision of electoral boundaries is necessary to reflect changes in population, ensuring the principles of equality of the vote, non-discrimination and representativeness. It is an international standard that the delimitation is carried out by an independent body that ensures these principles and avoids manipulation.



Observers should assess the delimitation –noting that it is a technical exercise that usually takes place long before elections are held- and make sure that the size of the boundaries (in terms of population) and the criteria used for the delimitation of the districts are consistent, coherent and clear.

### *c. Observing Voter Registration and Voter Lists*

The key electoral principle - the right to vote as is enshrined in Art. 25 of ICCPR - can only be respected if the voter register is accurate. While the method for compiling the voter's roll varies from country to country, most systems allow citizens to register or to check their inscription in the register during specific timeframes. Observer groups can monitor the compilation of the voter lists and/or carry out education activities to encourage people to register and verify their entries.

## ELECTION PERIOD

During this phase, observers focus on the further preparation and finally the conduct of elections. They usually intensify their outreach to the election administration and the media, and they also keep close contact with political parties and candidates, as well as with international observation missions, if applicable.

### *a. Observing the Registration of Parties and Candidates*

The requirements and methods for the registration of parties and candidates to contest an election should uphold the freedom of association and the right to stand for elections. The criteria set out in the relevant laws (often the constitution, the political party law, or the electoral law) should be reasonable and objective to comply with international obligations. Observing the registration of parties and candidates requires close liaison both with the election administration and with political parties, based on a detailed understanding of the legal framework.

### *b. Observing Elections Campaign*

For any election to be genuine, the ability of parties and candidates to communicate their programmes without unreasonable restrictions is a key factor. Observer groups should therefore understand the legal framework for campaigning, have access to campaign events, meet candidates, parties and the election administration, assess candidates' and parties access to media, evaluate the role of state and local authorities in ensuring equal campaigning conditions, and analyse if the language for campaign speeches is peaceful or inflammatory. A special focus on campaign finance requires some specific expertise but all observer groups should be able to assess whether election campaign funding is disclosed and transparent.

### *c. Media Monitoring*

Media offer information on the political parties and candidates contesting an election and play a key role as source of information and in stimulating public debate. During an election process, media should provide balanced information and allow all election contestants to disseminate their messages. Media monitoring in the context of election observation can assess whether the independence of media is respected, whether media follow the relevant provisions of the legal framework, and whether media reporting is balanced or biased. This exercise requires IT equipment and technical expertise and is often carried out by groups specialised in the matter.

### *d. Polling*

Election day observation is the central process of any domestic observation effort. Usually, observers assess the procedures on election day- from opening to closing of polling stations, including special voting procedures such as e.g. mobile voting- against the rights to vote, to equal suffrage and to free expression of will.

When planning their observation efforts, observer groups need to have a clear idea of what they want to observe, how statistically relevant they expect their findings to be and how they can best achieve it, taking into account the time and resources large-scale polling station observation requires. Decisions such as the nature of short-term observation, for example whether observers should visit a number of polling stations in their designated area or if they should rather observe all procedures in a single polling station need to be carefully considered. The quality of the observation sample depends on factors such as the training of short-term observer volunteers, their accuracy and impartiality and the observation forms used, therefore this should be carefully planned according to the specific context in the country and in line with the objectives of the observation mission.

### *e. Counting, tabulation and publication of results*

The counting and aggregation of votes is a sensitive moment that can be particularly prone to mistakes or manipulation. When planning their observation effort, groups should make sure they understand the procedures as enshrined in law. Usually the process unfolds along these or similar lines: The votes are counted and aggregated in polling stations, result protocols are then transmitted to a higher level (such as regional) election management body, where in turn, all votes of the given area (municipality, precinct, region, state, etc.) are aggregated before transmitting the votes and the regional results protocol to the central election management body. Observers should plan for an assessment of the full aggregation procedures and have a detailed understanding of the relevant procedures, including the transportation of result protocols and the publication of results at the different levels.

#### *f. Parallel Vote Tabulation (PVT)*

PVT is a complementary method that allows to scrutiny the official results as announced by the election administration. Observers report the results published at the polling station level, which are then added up to verify the official tabulation. If the PVT is conducted on a sample of polling stations (as opposed to considering the results of all stations in the country) it is called Quick Count. In this case, observers employ statistical methods to estimate the result with the highest accuracy possible. PVT needs diligent preparation and must be used highly responsibly.

#### *g. Observing Electoral Dispute Resolution*

The impartial and effective adjudication of disputes, complaints and conflicts which arise during the pre-election, the election day or the post-election period is of critical importance to a genuine electoral process. Monitoring the filing and resolution of election complaints requires in-depth knowledge of the legal framework for election disputes and access to courts during all stages of the election cycle.

### POST-ELECTION PERIOD AND CROSS-CUTTING ISSUES

During this stage, observer groups usually assess the overall process and discuss the lessons learned, formulating advocacy points for the review of the legal framework for the next election if necessary. Here, but also during the previous phases, observers are advised to give particular attention to cross-cutting issues, such as the participation of women or marginalised groups.

#### *a. Participation of women*

Election observer groups assess women participation in politics during the full electoral cycle. While the degree of emphasis can vary, a special attention to women's right to vote as equal should be streamlined throughout the full operation. Observation could include a focus on monitoring women's fundamental rights and freedoms (the right to stand for public office, amongst others) or comprise an assessment of the participation of women in the election administration.

#### *b. Participation of minorities and internally displaced persons*

In ethnically diverse countries, observers usually put particular attention on the rights of all minority groups are upheld, in particular the rights to stand for office and to vote. The same applies to internally displaced persons (IDPs), who should be able to exercise their rights as citizens despite having had to leave their permanent place of residence because of conflict or natural disasters. Observers are advised, however, to study the security conditions and to liaise with the election administration, but for IDPs who are in camps, also with IDP camp administrations before deciding to engage in this task.

## 3. RISKS AND THEIR POSSIBLE MITIGATION

Domestic observers can be exposed to several risks:

#### *a. Access and accreditation*

For election observation to be credible and effective, it is important that election management bodies grant full access to all stages of the electoral process, including to storage sites, polling stations and locations where results are consolidated. In order to organise this process in a more systematic way, election management bodies usually restrict to observer groups, instead of individual citizens. The process of registering an organisation for election observation is called "accreditation". The accreditation of observer organisations should be based on the law and clear administrative regulations, rather than by an ad hoc and arbitrary decision by the election management body. Since observers themselves are bound by the relevant laws and regulations they have a key role to play in advocating for the legal framework for observation.

#### *b. Public exposure*

Observers can be exposed to pressure from the local administration, from political parties, or from anyone forcefully boycotting the electoral process in their communities. To mitigate this risk, it is advisable that observers are deployed outside their home communities. This also helps to reinforce their independence. Observers should always base their assessment on the objective information collected, substantiating their conclusions and recommendations with international standards for elections and the international obligations the country has committed to. Observers should strictly follow the principles of neutrality, independence and constructive criticism.

#### *c. Exposure to violence*

Elections are a sensitive moment and, depending on the context, they may lead to intense confrontations or trigger conflict. In the event of political violence, election observation can be affected in various ways: Observers can be – accidentally or intentionally – victims of violence and conflict dynamics can affect the observation operation. To be able to respond quickly and to adapt to threats as they arise, observer groups should maintain good contacts with security agencies, analyse all possible security threats prior to deployment and develop security plans to ensure the safety of observers, including contingency measures in case logistics or communications are disrupted by violence.

## 4. HOW DOES IT WORK? – ORGANISATION & COMMUNICATION

Once the overall objectives of the election observation mission are defined, the group should prepare a timeline of activities and tasks. In this step, it is important to consider the human resources needed to carry out the planned activities. This section provides an overview of the main components of an election observation and the key considerations to be taken into account.

International and domestic observer organisations around the world have developed an organisational approach that tends to be similar in terms of composition and communication. Typically the approach is based on the following elements, which can of course be adapted to needs and capacities.

### 4.1 COMPOSITION

#### *a. Core Team*

The Core Team oversees and coordinates all other observers. It defines the scope of the mission, develops guidelines and observation forms. It can include specialists with knowledge of electoral law and administration, gender, human rights, statistics and media, but also on operational questions such as logistics and security. Sometimes it includes a dedicated media monitoring component. The Core Team is responsible for reporting and disseminating the observation mission's findings.

#### *b. Long Term Observers (LTOs)*

LTOs usually observe the campaign period, the administrative preparations for election day, polling and counting, and the consolidation of results. They can work alone or in teams and usually have an assigned geographical area of responsibility, e.g. a number of townships or constituencies, and travel around to perform their duties. They report to the Core Team and can – depending on the organisation – play a role in the coordination of short term observers (STOs). LTOs usually generate most of the qualitative findings of any election observer organisation and represent their organisation outside the capital city.

#### *c. Short Term Observers (STOs)*

STOs usually observe the end of campaign and the last preparations for election day, but focus mainly on polling and counting. Inside the polling station, they use a questionnaire, and they communicate their findings to the LTOs and/or the Core Team. Depending on the size of the observer organisation, STOs travel around on election day or stay in one polling station from the opening to the end of the counting process. They can work alone, but teams of two work better. Short-term observers may also observe advance and mobile voting procedures.

### 4.2 COMMUNICATION

#### *a. Communications Plan*

For any election observation to be effective, the observer organisation must have a well-functioning plan for internal

and external communication. Internal communication is crucial on election day and should be well-planned and rehearsed beforehand. Mobile or landline phones, internet, fax or messengers are possible means of internal communication. Contingency plans must be in place with back-up mechanisms in case of problems or disruptions in communication, in particular on elections day. The more information the core team can gather from the observers, the more relevant will be the overall findings.

The external communications strategy is vital to maximise the observers' outreach and to ensure transparency on the organisations objectives. It is advisable that individual observers do not give statements to the press, but that only assigned spokespersons make findings public and communicate with the election administration and other stakeholders.

#### *b. Role of IT*

Modern technologies – from mobile phones via tablets to online mapping tools – are increasingly used by observer organisations, both for internal and external communication. Whereas the use of these technologies provides many advantages, observer organisations should think carefully about the implications and intended outcome of any technological choice.

### KEY PRINCIPLES OF CONDUCT FOR CITIZEN OBSERVERS

- Being non-partisan and independent
- Understand and respect the legal framework
- Do not interfere unlawfully in the electoral process
- Report impartially, accurately, and timely
- Provide constructive recommendations
- Cooperate with other observers
- Provide high quality training to everybody involved
- Promote transparency and abide by international standards

#### *c. Reporting and Advocacy*

Written reports, press releases, meetings and press conferences are the most important means to share the observers' findings with relevant electoral stakeholders and the wider electorate. Reports can be produced at any moment in the electoral cycle, but the timing of their publication is crucial to attract attention. Reports should summarise the expert opinion and findings of the observer organisation in a clear language, should acknowledge positive observations, should highlight shortcomings in the process and should provide recommendations for improvement. They should have a summary to help accurate media reporting. Observer groups must plan how to disseminate their findings. The best reports have little value if they are not effectively disseminated and read by many people.

Reports and their messages can be tailored for the general public, but also for the election administration, political parties, the media, or international donors in particular. Reports should be the basis of any reform advocacy, as they represent an objective source of information and analysis on

which the observer groups sustain their suggestions for reform.

All statements and reports should be based on objective information, assessed against the law, a country's international obligations and commitments and principles for democratic elections.

## 5. OBSERVER CODE OF CONDUCT AND THE REGULATORY FRAMEWORK FOR ELECTION OBSERVATION

There are certain responsibilities that observers accept in undertaking observation: They strictly follow the principles of impartiality, transparency and professionalism and should seek to have a wide coverage to collect as much objective data as possible to conduct an exhaustive scrutiny of the process. The responsibilities of domestic observers are articulated in the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*<sup>3</sup> commemorated at the United Nations in New York in 2012. It is endorsed by over 160 domestic observer organisations from over 75 countries worldwide.

This declaration is the standard for the conduct of non-partisan, independent observation of elections. It includes a *Code of Conduct* emphasizing the impartiality and independence of domestic observers. Both documents could inform a discussion between citizen observer organisations and the election administration about the rights and responsibilities of citizen election monitors and their codification.

## ABOUT DRI

Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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<sup>3</sup> <http://www.gndem.org/declaration-of-global-principles>