

# **Applying International Election Standards**

*A Field Guide for Election Monitoring Groups*



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This field guide is designed as an easy-reference tool for domestic non-partisan election observers. Field guides are intended to complement other reference tools available on domestic election observation, in particular the NDI handbooks:

- ✓ How Domestic Organizations Monitor Elections: An A to Z Guide
- ✓ The Quick Count and Election Observation
- ✓ Building Confidence in the Voter Registration Process
- ✓ Media Monitoring to Promote Democratic Elections
- ✓ Promoting Legal Frameworks for Democratic Elections
- ✓ Monitoring Electronic Technologies in Electoral Processes

These handbooks and other materials are available on the NDI website: [www.ndi.org](http://www.ndi.org)

The Applying International Election Standards field guide explains how to use international standards and principles to evaluate election processes and promote electoral reform.

This field guide is part of an ongoing series of guides to facilitate election observation efforts by domestic monitoring groups in the Middle East and North Africa.

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## **1. What are International Election Standards?**

International elections standards are universal principles and guidelines to promote genuine democratic election processes. International standards have evolved from protocols, declarations, treaties, and other international instruments that safeguard democracy and human rights.

International standards for democratic elections are not prescriptive norms. They do not mandate that a particular election system or explicit laws be applied. Instead they are principles to guide the development and implementation of election systems, laws, policies and procedures concerning democratic election processes.

All international election standards can be traced back to the cardinal principle that citizens have a right to take part in the governance and public affairs of their countries. Article 21, Section 3 of the United Nations (UN) Universal Declaration of Human Rights (1948) enshrines this cornerstone precept:

“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.”

The International Covenant on Civil and Political Rights (ICCPR) (1966) stipulates that every citizen must be provided the right and opportunity, without discrimination based on distinctions of “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” and without unreasonable restrictions, to “vote and to be elected at genuine periodic elections.”

UN General Comment 25 on ICCPR Article 25: The right to participate in public affairs, voting rights and the right of equal access to public service (1996) articulates, among other criteria for democratic elections, the following principles:

- ✓ *Freedom of political association*, i.e. to form and / or join political parties
- ✓ *Freedom of peaceful assembly*, i.e. to hold and participate in political events and rallies
- ✓ *Freedom of movement*, i.e. to travel without undue restriction to build electoral support
- ✓ *Freedom of information*, i.e. to seek, receive, and offer information to make informed choices
- ✓ *Freedom of political expression*, i.e. to articulate support for a choice without recrimination
- ✓ *Freedom from coercion*, i.e. to exercise political choice without intimidation or fear of retribution

UN covenants and declarations to protect and promote the rights of marginalized peoples, i.e. the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965), Convention to End All Discrimination Against Women (CEDAW) (1979), and Convention on the Rights of Persons with Disabilities (CRPD) (2006), among others, stipulate relevant obligations for member states in election process.

Inter-governmental bodies in Asia, Africa, Europe, Latin America, and the Middle East have also developed guidelines concerning democracy, human rights, and elections ratified by member states or which states are obliged to respect. Moreover, the UN and other inter-governmental institutions have acknowledged the role of international and domestic observers as non-partisan participants in election processes.

## **2. Standards for the Conduct of Elections**

In order to achieve genuinely democratic elections, fundamental human rights and freedoms must be exercised without undue, arbitrary or burdensome restrictions. No electoral process is perfect – all require ongoing improvements – but the degree to which processes meet these standards will determine their level of credibility:

- ✓ The electorate must be free and must believe it is free to make political choices without intimidation, bribery, undue influence or fear of retribution for their vote.
- ✓ The electorate must be adequately informed about the electoral contestants in order to make a genuine choice.
- ✓ Voting must take place by secret ballot, based on universal and equal suffrage – and there must be a genuine opportunity to exercise this right – free from unreasonable or arbitrary restrictions and discrimination.
- ✓ There must be a sound legal framework and an impartial and effective election administration that conducts its activities in an open manner. This includes counting and publicly reporting accurate election results.
- ✓ Those seeking to compete peacefully for political power must be free to associate into political parties and gain access to the ballot without discrimination.
- ✓ Political contestants must be given a fair chance of reaching the voters and winning their support. This

requires an electoral environment in which political parties and candidates are free to express their messages to the public and have adequate opportunity to do so, have the freedom and opportunity to organize peaceful assemblies and other demonstrations of public support, and to move freely throughout the country to seek votes.

- ✓ The news media must be free to gather and impart information about political contestants and issues of political importance.
- ✓ The government-controlled media must provide a medium through which political contestants can speak to the electorate, and must be required to cover all political contestants accurately, fairly and in an equitable fashion. Private media must be strongly encouraged to act ethically and in accordance with guidelines for proper election-related coverage.
- ✓ Citizen organizations must be able to participate in the electoral process to help educate other citizens about the importance of the elections and must be free to monitor every aspect of the electoral process.
- ✓ The due process of law and equal protection of the law must be available to provide appropriate, immediate and effective remedies for citizens and electoral contestants in order to guarantee the integrity of the electoral process and peaceful resolution of complaints.

### **3. Principles for Election Observation**

The right of citizen observers to participate in election processes is derived from the human rights principle that citizens have the right to participate in governance and public affairs of their country. General Comment 25, paragraph 20, articulates a role for observers in the election process by stating “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.”

The role of non-partisan observers in the election process has been further enshrined in multiple inter-governmental instruments, notably the Organization for Security and Cooperation in Europe (OSCE) Copenhagen Document (1990), paragraph 8, and the African Union (AU) African Charter on Democracy, Elections and Governance (2007), paragraph 22.

The rights and responsibilities of election observers has been enshrined in two declarations acknowledged by the UN:

- ✓ Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (2005)
- ✓ Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations (DoGP) (2010)

Many of the principles of non-partisan election observation and monitoring by citizen organizations are common to those of international election observation. Initiated by the Global Network for Domestic Election Monitors (GNDEM), a worldwide coalition of citizen observation groups, the DoGP states, among others, the following rights & responsibilities:



## **Rights:**

- *Right to participation*, i.e. observers have a right to participate in their country's political processes
- *Right to security*, i.e. observers must be able to conduct their observation activities without risk to their safety or the safety of their families
- *Right to cooperation*, i.e. observers must receive accreditation from election authorities free from discrimination or unreasonable restrictions
- *Right to access*, i.e. observers must be permitted access to polling stations and related facilities on Election Day and in pre- and post-election periods
- *Right to information*, i.e. observers must be provided with information from electoral and government authorities, political parties and contestants, and other relevant stakeholders in the election process
- *Right to association*, i.e. observations groups must be allowed to coordinate with international and domestic organizations and receive financial support
- *Right to form coalitions*, i.e. observation groups may partner with other organizations in monitoring efforts

## **Responsibilities:**

- *Responsibility of neutrality*, i.e. observers must conduct observation activities in an independent, non-partisan, and neutral manner
- *Responsibility of cooperation*, i.e. observers must cooperate with electoral authorities, respect the law and refrain from obstructing the process
- *Responsibility of impartiality*, i.e. observation groups must refrain from conducting activities or accepting funds from sources that create a conflict of interest
- *Responsibility of practicality*, i.e. observation groups must conduct observation activities using the most appropriate tools in the most comprehensive and systematic manner possible
- *Responsibility of integrity*, i.e. observation groups must issue accurate, impartial, and timely statements based on facts and analysis
- *Responsibility of constructiveness*, i.e. observation groups must offer recommendations to improve the election process and remove barriers to participation
- *Responsibility of coordination*, i.e. observation groups must coordinate and cooperate with international and domestic observation missions

#### **4. Evaluating Election Processes**

International election standards constitute the benchmarks against which states, either through ratification or membership in inter-governmental institutions, have agreed to be measured. You should apply international standards in your evaluation efforts to assess the level of inclusiveness, transparency and accountability in the election process. When evaluating levels of inclusiveness, transparency and accountability, take the following into consideration:

##### **Inclusiveness**

Elections must be inclusive both for citizens who want to exercise their right to vote and for those who seek to be elected. Non-discrimination norms oblige states to apply fair and just criteria that provide all participants with equitable access and opportunity. When evaluating the inclusiveness of the process, take the following into consideration:

*Right & opportunity to vote:* are restrictions on the right and opportunity to vote reasonable, i.e. limited generally to requirements of citizenship, residency and minimum age or to smaller categories of citizens relating to mental incapacity, criminal record or present service in military or police? Does the voter registration process present a genuine opportunity for citizens to appear on the registry on a non-discriminatory basis? Is there a reasonable chance to inspect and correct the voter registry before elections take place? Does the location of polling stations and supplies provided offer citizens a genuine opportunity to cast their votes, regardless of geographical distance, literacy level, or physical ability?

*Right & opportunity to be elected:* are candidacy requirements reasonable and justifiable, i.e. minimum age or education levels, residence, descent, or criminal record? Are requirements for documentation for candidate nomination, deposits or fees, and filing deadlines reasonable and non-discriminatory? Are candidates able to exercise their rights of association, assembly, movement, and expression? Are candidates able to conduct campaign activities free from violence, intimidation, coercion or retribution?

### **Transparency**

The basis of electoral transparency is the freedom to seek, receive, and impart information. Voters and contestants must be provided with information about electoral procedures so they can exercise their rights to vote and be elected, respectively. When evaluating the transparency of the process, take the following into consideration:

*Information about electoral contestants:* are there any legal or administrative obstacles that prevent political contestants from providing information to citizens? Do candidates have access to mass media? Does state media offer equitable and non-discriminatory coverage to candidates?

*Information about electoral rights:* are voters and candidates provided adequate and timely information about how, when, where and other requirements for candidate nomination, voter registration, voting, counting, etc.?

*Information about electoral processes:* are voters and candidates provided with information about administrative elements of the electoral process, including election authority decisions, actions, and technologies employed?

*Election observation:* are election observers, contestants or their proxies permitted access to all elements of the electoral process, including voter registration, printing of ballots, packaging and distribution of sensitive materials, etc.?

### **Accountability**

Electoral accountability includes the need to provide effective remedies to citizens for violations of electoral rights, the need to hold electoral authorities responsible for administration, and hold liable those who conduct acts that affect electoral rights. When evaluating the accountability of the process, take the following into consideration:

*Effective redress for election rights violations:* do independent, effective, and timely mechanisms exist to address complaints related to all components of the electoral process, including delimitation of electoral districts, candidate qualification, candidate nomination, citizen inclusion on voters' list, etc.?

*Accountability of electoral authorities:* are electoral authorities independent? Are policy sessions of electoral management bodies open to scrutiny of political contestants, observers, and media? Are consultations held with electoral contestants to present information and address complaints? Are audits by independent authorities permitted?

*Criminal liability for electoral violations:* are criminal law procedures and due process of law applied to those who commit electoral fraud or acts that abridge electoral rights? Are those who commit election crimes prosecuted? Are trials for electoral violators open to the public?

## 5. Promoting Electoral Reform

Every election process can be improved and it is the responsibility of observer groups to offer recommendations for how to strengthen the process. International election standards provide the aspirational norms upon which to build an electoral reform agenda. When developing your electoral reform agenda, you should take the following steps:

*Apply international standards in election statements.* It is useful to note where and to what degree an aspect of the electoral process did not meet international election standards vis-à-vis your analysis of findings related to the election law, policies, and procedures. Referencing specific standards in your recommendations helps you to ground your argument in accepted international principles and helps to underscore the case for needed reforms.

*Encourage stakeholders to apply international standards.* The more stakeholders that apply international standards, the more weight they will carry. It is important to educate government officials, election authorities, parliamentarians, and others on international standards through seminars, roundtable discussions and other forums. Moreover, you should lobby parliamentarians, political parties, candidates, civil society organizations, journalists, and other observer groups to reference international standards in their calls for reforms.

*Organize roundtable discussions on electoral reform.* Roundtable discussions that bring a range of stakeholders – including government officials, election authorities, political parties, and other observer groups – can be positive vehicles

for advancing dialogue on electoral reform. To help focus such dialogue, roundtable discussions should be centered on ways to promote greater inclusivity, transparency and accountability in accordance with international standards.

*Develop an alternative electoral framework.* Electoral legislation encompasses various elements of the election process, including establishment of an election system, electoral management body, and rules and regulations to govern the process. Drafting alternative election legislation and policies that are in line with international election standards would highlight shortcomings in the existing framework and provide a useful instrument for advocating for reform.

*Develop a scorecard to measure progress.* Developing a scorecard that indicates the degree to which domestic law, policies and procedures are in compliance with international election standards is a helpful advocacy tool. A scorecard would enable you to quickly and easily demonstrate where the election process meets or falls short of such standards.

*Engage in sharing of best practices.* Other electoral frameworks may offer examples of best practices that meet international standards and could be contextually adapted. Inviting election experts, administrators, or observation group peers from other countries to speak about such practices can be helpful in advancing electoral reform.

## 6. List of Applicable Standards

International standards encompass a multitude of wide-ranging and evolving principles. The following covenants, conventions, and declarations form a partial list of applicable commitments of UN member states:

- ✓ Universal Declaration of Human Rights (1948)
- ✓ International Covenant on Civil and Political Rights (ICCPR) (1966)
- ✓ General Comment 25 on ICCPR Article 25: The right to participate in public affairs, voting rights and the right to equal access to public service (1996)
- ✓ Convention on the Elimination of All Forms of Racial Discrimination (1965)
- ✓ Convention to End All Discrimination Against Women (1979)
- ✓ Convention on the Political Rights of Women (1979)
- ✓ UN Committee on the Elimination of Discrimination Against Women, General Recommendation 23 on Political and Public Life (1997)
- ✓ Convention Against Corruption (2003)
- ✓ Convention on the Rights of Persons with Disabilities (2006)
- ✓ Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1999)

The **Arab Charter on Human Rights (2004)** is a political commitment made by all Arab League member states to protect fundamental freedoms and political rights. Article 24 states that every citizen has the right to:



- ✓ Freely pursue a political activity;
- ✓ Take part in the conduct of public affairs, directly or through freely chosen representatives;
- ✓ Stand for election or choose representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will;
- ✓ The opportunity to gain access, on an equal footing with others, to public office in accordance with the principle of equality of opportunity;
- ✓ Freely form and join associations with others; and
- ✓ Freedom of association and peaceful assembly.

It further states that no restrictions may be placed on the exercise of these rights other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, health, morals or the protection of the rights and freedoms of others.

The **Cairo Declaration on Human Rights in Islam** was adopted by the member states of the Organisation of the Islamic Conference in 1990. Article 23b of the declaration stipulates: “Everyone shall have the right to participate, directly or indirectly, in the administration of his country’s public affairs.”



The **National Democratic Institute (NDI)** is a non-governmental, non-profit organization established in 1983 working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI has worked to form and develop non-partisan domestic election monitoring groups in more than 70 countries and has helped to develop regional associations of monitors in Africa, Asia, Eastern Europe, Eurasia, Latin America and the Middle East.