



## **The European Initiative for Democracy and Human Rights**

### **European Union and Election Observation**

**Democracy remains a universally valid system of governance, albeit one which needs to be backed up by constitutionally guaranteed rights so as to prevent apparently democratic elections from giving rise to “illiberal” democracy.**



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# INTRODUCTION

The promotion of genuine democracy is a factor in building sustainable human development and lasting peace. Actions in support of democratisation and the respect for human rights, including the **right to participate in** the establishment of governments through **democratic elections**, can make a major contribution to peace, security and prevention of conflicts.

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Election missions are accepted as part of the mandate of the EU whose Treaty considers the protection and promotion of human rights as well as support for democratisation as corner stones of EU foreign policy and EU development co-operation. The EU undertakes such activities on the basis of partnership with the host country and with the objective of developing national capacity.



Regulation 975/99 and 976/99 of 29th April 1999 provide the legal basis for Community activities intended to further and consolidate democracy, the rule of law and respect for human rights.



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**Election assistance** may be defined as the technical or material support given to the electoral process. It may imply:

- professional help to establish a legal framework for the elections
- it may also imply support to NGOs and civil society in areas such as voter and civic education or training of local observers as well as support to the media monitoring and training of journalists.

**Election observation** is the political complement to election assistance. Its main goals are:

- provision of an independent , neutral and professional appraisal of the electoral process
- the enhancement of public confidence in the electoral process, to deter fraud, to strengthen respect for human rights, and to contribute to the resolution of conflict.



## EU Election Observation Methodology

### I. Exploratory Missions

Prior to deciding whether or not to deploy an Election Observation Mission (EOM), the EU will send an Exploratory Mission (ExM) to establish the political, financial and technical feasibility of mounting an EU EOM.

→ the EU will wish to determine whether its involvement in observation is likely to promote further democratisation in the country.

The ExM will also determine whether the minimum conditions for elections in line with international standards are present, i.e.:



- voting franchise is genuinely universal
- political parties and candidates are able to enjoy their legitimate right to participate
- there is freedom of expression, freedom of movement and freedom of assembly
- contesting parties and candidates have reasonably equitable access to the media



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The EU will also require an invitation from the host government as well as assurances that other pre-conditions for the work of observers are present. These include:

- the welcoming of observers by contesting parties
- sufficient lead-in time for an effective observation
- clearly stated objectives written and agreed with host country
- freedom of access to all parties
- access to the polling and counting processes
- freedom of movement
- access to information
- confidence in the security situation

If there is no possibility of election being held under minimum conditions, or if the pre-conditions for observation are not present



the EU may decide not to deploy an EOM in order to avoid giving credibility to a flawed election. However, this decision will also take account of other factors, such as:

- whether the election is the first for the country
- if it follows a period of conflict or oppression
- whether the elections are part of a peace process and the possible return of refugees



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## **II. EU Election Observation Missions**

### **Each mission will consist of:**

- 1.** a Chief Observer (CO) (mandated by the European Commissioner for External Relations)
- 2.** Long Term Observers (LTOs)
- 3.** Short Term Observers (STOs)
- 4.** a Core Team (CT) (including specialists in various fields: - deployment of observers; electoral law; media; logistic and communications)

### **The key objectives of a mission are to:**

- conduct a comprehensive country-wide analysis of the electoral process, to be able to offer an impartial, balanced and informed assessment of the election, with a series of recommendations for the further consolidation and development of the democratic process in a country
- by the presence of observers, to seek to reduce tension, minimise instances of fraud, intimidation and violence and hopefully increase confidence to contestants and voters to participate freely



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### M E T H O D O L O G Y

#### The observation mission assesses:

- the registration of voters and candidates
- the campaign and the preparations for election day, as well as making an assessment of the electoral framework
- the democratic and human rights environment and conducting a monitoring of the media during the campaign.
- on election day, it also assesses the voting, counting and vote tabulation)



Regular meetings are held with election officials at the national, regional and local levels, and political parties, candidates, civil society and media throughout the country.



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## A day or two after the election

→ Chief Observer of the EU EOM issues a preliminary statement based on the long term and short term observations of the entire process. This may be followed by a formal EU declaration.

## Approximately one month after the final results

→ A more comprehensive report will be issued, which will include a series of recommendations for improvements to the overall electoral process and democratic environment.

## Assessment of the electoral process

an EU EOM will consider:

- the impartiality of the electoral administration
- the campaign freedoms afforded to political contestants
- the fair use of state resources
- the fair access for all contestants to the media, and in particular the state media
- the universal franchise afforded to voters
- the conduct of the polling and counting of votes
- any other issues that concern the democratic nature of the election



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## **III. EU Observer Code of Conduct**

*taken from the "Communication from the Commission on EU Election Assistance and Observation COM(2000) 191 final*

### **EU Code of Conduct for observers are:**

- Observers shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates or with reference to any issues in contention in the electoral process
- Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, but shall provide, through a designated person, general information about the nature of their activities as observers
- Observers must respect the laws of the land. Observers enjoy no special immunities unless so afforded by the host country. Observers must therefore comply with all national laws and regulations, but take note where such rules prevent them from carrying out their duties, such as limiting their freedom of movement or assembly
- Observers will undertake their duties in an unobtrusive manner, and will not disrupt or interfere in the electoral process
- Observers may bring irregularities to the attention of election officials, but will not give instructions or countermand decisions of election officials



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### CODE OF CONDUCT

- Observers will be subject to the direction and management of the observer team leadership, carrying out their written terms of reference and covering the geographical schedules specified by team leaders.
- At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgement and observe the highest level of personal discretion
- Observers will participate in all pre-election briefing with their supervising officers
- Observers will participate in post-election debriefings with their supervising officers and will contribute fully towards appropriate EU reports on the elections monitored
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and will keep a record of the polling stations and other relevant places that they visit
- Observers should be aware of the presence of other electoral monitoring teams, and liaise with them under the direction of the leader of the EU observer team
- Observers will carry prescribed identification issued by the host government or election commission, and will identify themselves to any interested authority upon request
- Observers will not display or wear any partisan symbols, colour or banner

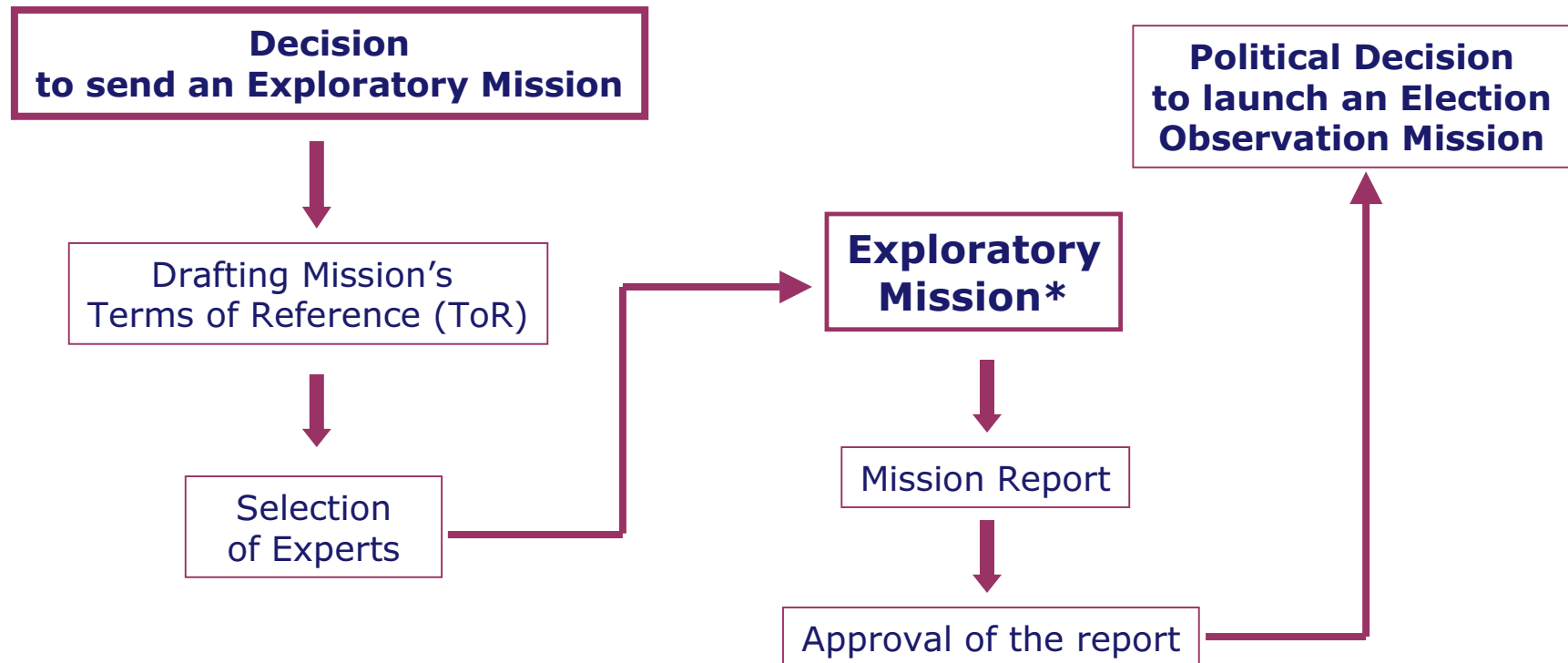


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## EU Election Cycle

### I/ The Exploratory Mission (ExM)



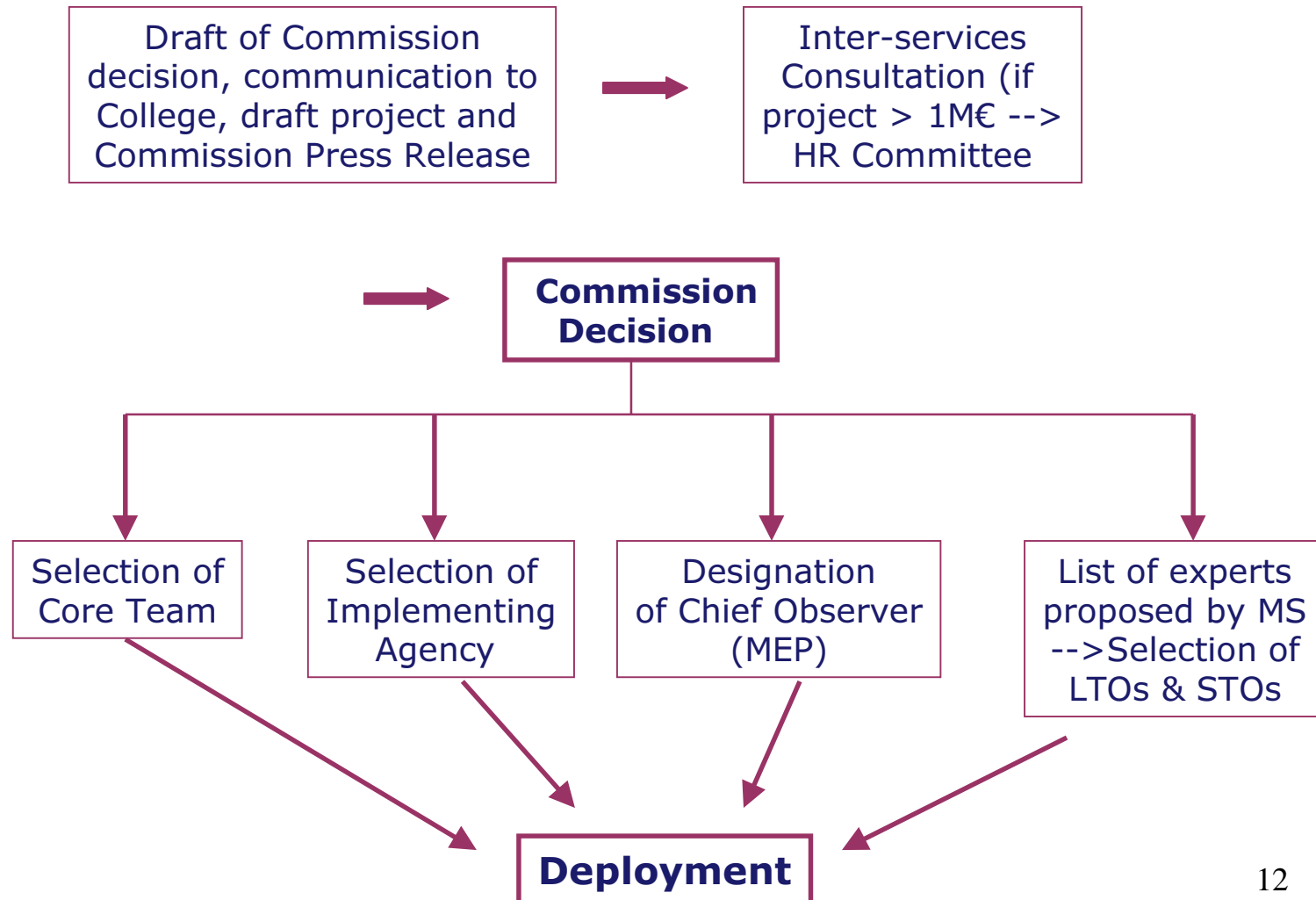
\* Composed of Commission Members and experts seconded by Member States.



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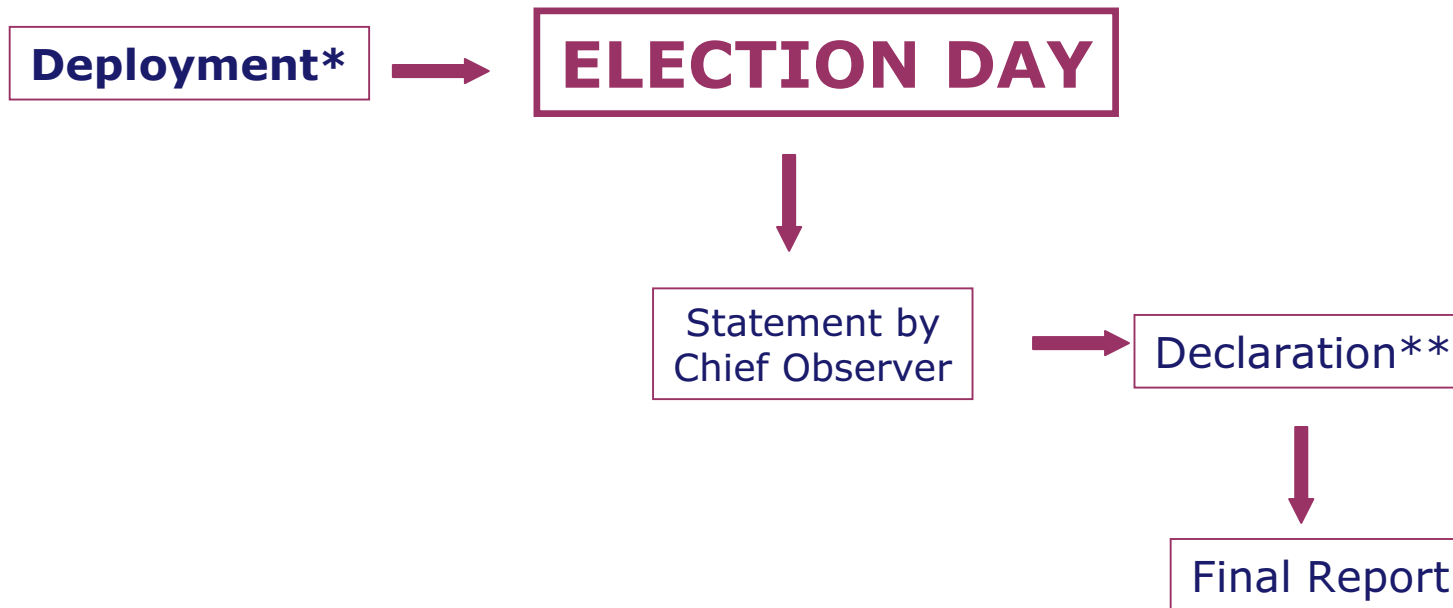
## II/ The EU Election Observation Mission





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\* during which:

1. circulation of regular reports from the mission to the Commission and Member States
2. Regular liaison with Commission's Head of Delegation and Head of EOM

\*\* The EU Council may also make a statement subsequent to the EOM's Declaration





## Selection and Management of Observers

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The Commission is responsible for selecting and recruiting Core team experts, Long Term Observers (LTO)s and Short Term Observers (STO)s.



The Commission feels that, even though it worked adequately for the past two years, for a number of reasons, it is necessary to review the present selection system.

### Current practice

According to the current practice, once a decision has been taken to mount an Observation mission, the Commission:

- Informs the Member States of the number of Observers needed and gives a Commission contact name and deadline for the experts to be proposed. It selects the team on the basis of the names provided, including the creation of a reserve list
- Checks availability and concludes a contract with each individual via an Implementing Agency selected by the Commission. It also informs each Member States of the individuals selected



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This procedure has worked adequately up till now but suffers a number of deficiencies, including:



- 1.** It is very time and human resource intensive
- 2.** It duplicates the selection process already done by some Member States
- 3.** It de-responsibilises the Member States from ensuring availability of observers and the "quality" of observers proposed
- 4.** There is no provision for a co-sharing of information between the Member State and the Commission on the performance of the observers
- 5.** There is no regular appraisal of the performance of the EU observers as a whole

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## EU Election Observation Mission in Nicaragua

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Short Term Observer (STO) Ms. Fortes & EuropeAid Director Francesco De Angelis



Visit of the Head of Mission and Deputy Head of Mission to the President of the National Assembly



EuropeAid Project Manager Isabel Mohedano at the information desk during an STO briefing



LTO Co-ordination Meeting 17