ELECTION OBLIGATIONS AND STANDARDS

A CARTER CENTER ASSESSMENT MANUAL
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Foreword

The United Nations Universal Declaration of Human Rights recognizes that all citizens are entitled to participate fully in genuine elections — elections that are honest, open, and credible and that serve as a free expression of the citizens’ will.

The Carter Center focuses on democracy support and election observation because experience has taught us that the presence of trusted independent observers can play a vital role in lending credibility to peaceful and democratic transfers of power and in preventing and resolving conflicts surrounding political transitions.

This year, in 2014, The Carter Center celebrates 25 years of conducting election observation missions. When I led our first mission to monitor Panama’s deeply flawed presidential elections in 1989, election observation was just taking shape. Over the last quarter-century, the methods observers use to assess elections have grown more sophisticated. The early emphasis on election day procedures has given way to long-term comprehensive monitoring of the entire electoral cycle, from the legal framework that governs a country’s elections to the resolution of disputes long after votes are counted. Similarly, observation mission reports have replaced the vague standard of “free and fair” with more detailed benchmarks based on international standards grounded in specific instruments of public international human rights law.

In 2005, all major international election observation groups endorsed the Declaration of Principles for International Election Observation, which provides general guidelines for credible observation, including the purpose, scope, and conduct of missions. The collaborative and consultative process that led to the Declaration also laid the foundation for a professional community of election observation groups. Since then, the endorsers of the Declaration have met regularly to discuss common challenges, including the need to build consensus on objective and transparent criteria for assessing elections. The Carter Center is proud to have been a part of this work from the beginning.

The world also has seen rapid growth in the number of citizen groups observing elections in their own countries. Citizen observation is a critical manifestation of the right to participate in public affairs and to hold governments accountable. The 2012 Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, which closely mirrors the Declaration of Principles for International Election Observation, represents a significant milestone in the advancement of citizen observation. At the same time, election management bodies and parliamentarians are seeking tools to analyze the strengths and weaknesses of their national electoral processes.
I am especially pleased by the growing interest and seriousness with which governments worldwide have come to view international observation by groups like The Carter Center and by their willingness to welcome us in their countries. In parallel, regional and intergovernmental organizations routinely deploy observers under their own auspices, reflecting member states’ recognition of observers’ role in advancing genuine elections.

Since 2006, the Carter Center’s Democratic Election Standards project has focused on building consensus around benchmarks for democratic elections and creating practical tools for election observers and others to assess elections. In 2010, we released the Center’s Database of Obligations, which is being relaunched now as the updated Election Obligations and Standards (EOS) Database. The EOS Database is a unique, publicly accessible resource that compiles more than 200 sources of public international law and links concrete human rights obligations contained in these documents to specific parts of the electoral process. I believe this to be an important contribution.

This publication, “Election Obligations and Standards: A Carter Center Manual for Assessing Elections” serves as a distilled companion to the EOS Database. Together, the manual and database make available to citizen observers, election authorities, civil society organizations, and others a practical, innovative framework for assessing electoral processes that is anchored in human rights law.

Through this work, we strengthen the links between the international human rights and elections communities, which share the goals of advancing universal human rights standards while remaining sensitive to the political, historical, and cultural context in which every election takes place. We also strengthen the bonds between international and citizen observers, often working for a common cause in defense of electoral rights. Finally, we hope the use of a shared language and measures for electoral quality by observers and governments and election administrators will further promote genuine elections around the world. I, and Carter Center colleagues, offer the EOS Manual and Database in support of these efforts.

Jimmy Carter
Former U.S. President and Founder of The Carter Center
Introduction

There is now broad international consensus that genuine democratic elections are essential for establishing the legitimate authority of governments. Assessments by international and citizen election observers, from organizations such as The Carter Center and others, play an increasingly important role in shaping perceptions about the democratic quality and overall legitimacy of electoral processes. In addition, electoral assessments by observers and other stakeholders can create an agenda for reform and help ensure the credibility of elections.

The Carter Center has worked since 2006 on a multiphase collaborative initiative aimed at promoting consensus on standards for democratic elections based on public international law — the Democratic Election Standards (DES) project. Working in close coordination with other international organizations focused on elections and human rights issues, the Center has fostered debate and discussion on the strengths and weaknesses of public international law as a means of understanding electoral processes. The Center’s work on these issues has both contributed to and is reflective of a growing recognition that there is a coherent body of public international law related to elections that forms the basis of what are more or less commonly accepted election standards. Indeed, in the last 10 years, election professionals (administrators, observers, assistance providers, etc.) from around the world have increasingly referenced public international law obligations when considering the quality of electoral processes.

As elaborated in subsequent sections of this handbook, public international law related to elections provides a valuable basis for developing criteria to assess elections for a number of reasons. First and foremost is that obligations, as found in international and regional treaties and instruments, have been voluntarily agreed to by states themselves. Second, public international law creates an objective and transparent basis for assessing elections. Third, an obligations-based approach recognizes that all countries can improve their electoral processes to better fulfill rights and obligations. Finally, public international law creates a common language for discussions of election quality among a wide range of groups, including citizen and international observers, human rights bodies, election administrators, and others. For these reasons, the Center has focused on public international law as the foundation of its work on elections.

As part of the DES project, The Carter Center reviewed close to 200 sources of international law, including treaties and instruments from the United Nations, the African Union, the Economic Community of West African States (ECOWAS), the Organization of American States (OAS), the League of Arab States, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the Commonwealth of Independent States (CIS), and others, to gain a global picture of the status of international law with regard to electoral processes. In general there are many commonalities between these sources, indicating the coalescence of the international community around core principles that are essential to the enjoyment of rights throughout the electoral cycle.
The first major result of this review process was the creation of the Database of Obligations launched in August 2010, which was redesigned and relaunched in 2014 as the Election Obligations and Standards (EOS) database. The database—online and publicly available through the Carter Center’s website—includes detailed excerpts of international instruments and associates them with the core parts of the electoral process, e.g., voter education, voter registration, and vote counting and tabulation. It has multiple search functions, allowing users to search by part of the electoral process, obligation, country, instrument, organization, and keyword.1

While initially developed to assist election observation, it became clear during the development and subsequent use of the EOS database that it is a valuable tool for citizens and a wide range of organizations interested in assessing electoral processes. It also became clear that a companion document to the database would be helpful. Instead of the detailed excerpts of treaties and other instruments contained in the EOS database, the companion document could summarize key election issues related to core parts of the electoral process and then reference some of the relevant sources of obligations, including treaties as well as soft law. This handbook serves as that companion to the database.

This manual includes the following sections:

• **Background on Public International Law Sources and Authoring Organizations.** This section outlines sources of international law included in the EOS database. In addition, it provides a brief overview of some of the main authoring organizations, their structure, and treaty monitoring and enforcement mechanisms.

• **The Framework: Obligations and Constituent Parts of the Election.** In this section of the handbook, the 21 obligations and the 10 parts of the electoral process referenced in the EOS database and in this publication are introduced. This section provides valuable background on the general obligations for elections that are referenced in subsequent sections of the handbook.

• **About the Organization of this Manual.** This section provides instructions on how to use this handbook, either alone or with the EOS database.

• **Obligations and Standards for the Election Process.** These 10 sections summarize the obligations related to each of the 10 parts of the electoral process. Each section includes assessment criteria for each part of the process.

• **Appendices.** In the final section, there is background on public international law sources and authoring organizations; key reference tools, including tables of illustrative questions; terms and abbreviations; and a list of references used in the EOS database and in the writing of this handbook.

This handbook was developed in close collaboration with International IDEA, whose “International Obligations for Elections: Guidelines for Legal Frameworks” was also released in the autumn of 2014. This collaboration enriched both initiatives.

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1 Additional information about the Democratic Election Standards project at The Carter Center can be found at electionstandards.cartercenter.org.
Public international law is the system of laws that govern interactions between nation states. For several reasons, it provides a sound foundation for assessment criteria for democratic elections. First, public international law creates a framework of standards for democratic elections that states have already accepted voluntarily. That is, states have obligated themselves—through the signature and ratification of treaties and membership in the community of states—to standards of behavior and respect for human rights.

Second, states have agreed to the obligations that are, at times, codified in publicly available international treaties and other instruments. These obligations represent a common agreement of states themselves and a commitment to the citizenry of each state, which is documented and publicly available for review.

Third, the use of obligations found in public international law as the basis of election assessments recognizes that "genuine elections"—as well as democratic processes more broadly—require that all states continuously strive to improve and more fully meet obligations.

Finally, public international law provides the most credible and objective foundation for fostering dialogue among election professionals, human rights bodies, states, election observers, and others on common measures of election quality that are applicable to all nations.

Evidence of obligations in public international law can be found in a variety of sources. The Carter Center has compiled a set of sources that includes international and regional treaties and conventions, cases and judicial decisions from the various international courts and treaty monitoring bodies, political commitments and
declarations, and “the teachings of highly-qualified publicists.” In addition, the Center has included handbooks, manuals, and the publications of international and regional organizations, which not only provide support for standards found in other sources of public international law but also provide evidence of state practice with regard to the implementation of international obligations. From these sources, it is possible to glean a deeper understanding of the obligations related to democratic elections and the ways that those obligations may be implemented. Table 1 summarizes the main categories of sources of law included in the EOS database and referenced in this handbook. A full list of references included in the EOS database is included in Appendix D.

Table 1: Sources of Public International Law

<table>
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<td>Treaties</td>
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<td>Interpretive Documents</td>
<td>Interpretation of treaty obligations by treaty monitoring mechanisms (such as the United Nations Human Rights Committee) or international courts (such as the European Court of Human Rights).</td>
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<tr>
<td>Political Commitments</td>
<td>Instruments such as declarations or other political commitments, which serve as evidence of state practice and customary law.</td>
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<tr>
<td>Other Sources</td>
<td>Handbooks, manuals, and other sources that can provide additional evidence of state practice and customary law with regard to electoral processes.</td>
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Obligations

Through the review of close to 200 public international law documents, The Carter Center has identified 21 fundamental rights and obligations that are relevant to the electoral process.

These obligations include those commonly associated with elections, such as the right and opportunity for every citizen to vote or be elected or the right to a secret ballot, as well as others that, while always applicable, take on special relevance during an election. These obligations are outlined in Chart 1, with greater detail provided on the following pages.
Chart 1: Obligations for Democratic Elections

Genuine Elections That Reflect the Free Expression of the Will of the People

Right and Opportunity to Vote
Freedom of Association
Freedom of Opinion and Expression
Freedom From Discrimination and Equality Before the Law

Right and Opportunity to Be Elected
Freedom of Assembly
Transparency and Access to Information
Equality Between Men and Women

Right and Opportunity to Participate in Public Affairs
Freedom of Movement
Right to Security of the Person
Right to a Fair and Public Hearing

Right to a Fair and Public Hearing
Freedom of Association
Freedom of Movement
Freedom of Assembly
Freedom of Association

Right to an Effective Remedy
Universal Suffrage
Equal Suffrage
Secret Ballot

Periodic Elections
Prevention of Corruption

State Must Take Necessary Steps to Give Effect to Rights
Rule of Law

- Macro-Level Obligation
- Individual Rights and Freedoms
- Process-Focused Obligations
- Foundational Obligations
The 21 obligations for democratic elections fall into four main categories: 1) an overarching obligation regarding genuine elections; 2) foundational obligations related to rule of law and the commitment of the state to take necessary steps to fulfill obligations and protect rights and freedoms; 3) process-focused obligations related to the election process itself; and 4) individual rights and freedoms. Together, these 21 obligations guide a human rights-based approach to election assessment.

**Overarching Obligation**

**Genuine Elections That Reflect the Free Expression of the Will of the People**

This obligation to hold genuine elections that reflect the free expression of the will of the electors was first established in article 21 of the Universal Declaration of Human Rights and was subsequently included in article 25 of the International Covenant on Civil and Political Rights. While the notion of “genuine” elections lies at the heart of all democratic elections, the treaties provide little guidance about what actually constitutes a genuine election. However, it is widely understood to mean periodic elections that offer voters a real choice in an openly competitive environment, held by universal and equal suffrage and by secret ballot. This obligation is overarching, meaning it is applicable to all constituent parts of the electoral cycle, and its fulfillment requires that other essential fundamental rights are protected and fulfilled.

**Foundational Obligations**

**State Must Take Necessary Steps to Give Effect to Rights**

International and regional treaties are clear that states must take the steps necessary to give effect to human rights. This obligation includes ensuring that the national legal framework incorporates the international obligations in treaties agreed to by states.

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3 Black’s Law Dictionary, abridged 7th edition
4 See, for example, U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23(1)(b); OSCE, Copenhagen Document, para. 6; U.N., UDHR, art. 21(3). While the term “genuine elections” was first used in the UDHR, the summary report of the deliberations over the declaration does not provide a definition of what was meant by “genuine.” Subsequent work by academics and practitioners has gone some way in defining this obligation, for example, U.N., Human Rights and Elections, para. 77; Hinz and Suksi, Election Elements
5 CIS, Convention on Democratic Elections, art. 9(2)

6 See, for example, Black’s Law Dictionary or the Oxford English Dictionary.
7 For example, U.N., ICCPR, art. 2(2); U.N., CEDAW, art. 2(d); U.N., ICERD, art. 2(1); U.N., CRPD, art. 4(a-c); AU, ACHPR, art. 1; OAS, ACHR, art. 2; CIS, Convention on Human Rights, art. 1; CoE, ECHR, art. 1. See also U.N. (CCPR) General Comment 31, paras. 3–4, 7–8, 13 for additional interpretation of this obligation, as well as the U.N. Declaration on Right and Responsibility and U.N. (CCPR), General Comment 25, para. 12

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*An obligation is “a legal... duty to do or not do something.”* In the case of public international law, the obligations are those to which states parties have committed by acceding to a convention.

*A “standard” is a rule, principle, or criterion for measuring acceptability, quality, or accuracy.*

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The Framework: Obligations and Constituent Parts of the Election
Interpretive sources add that states should:

- Regulate violations of human rights not only by states themselves but also by nonstate actors and private individuals\(^8\)

- Educate the population and public officials on human rights\(^9\)

- Remove barriers to the electoral process for those with specific difficulties (e.g., illiteracy, language barriers, disability, etc.)\(^10\)

- Prevent, punish, investigate, and/or redress violations of human rights by nonstate actors\(^11\)

Interpretive sources add that this obligation to take necessary steps is unqualified and should have immediate effect,\(^12\) and it includes a need to take various positive measures. All branches of the government and other public or governmental authorities are responsible for meeting this obligation.\(^13\)

Political commitments suggest that everyone should have the right to submit criticisms and proposals for improving their functioning to government bodies, agencies, and organizations.\(^14\)

With regard to derogations from international obligations, interpretive sources indicate that derogation measures cannot discriminate on the basis of race, color, sex, language, religion, or social origin,\(^15\) and any limitations must respect the nonderogable nature of certain rights.\(^16\)

Political commitments add that the state must publicly announce a state of emergency before any derogation measures are put into place.\(^17\) In applying a limitation to rights, a state must use the least restrictive means required.\(^18\) Derogation measures cannot undermine the exercise of rights protected by other international obligations of the state\(^19\) and must be justified by law and subject to review.\(^20\)

**Rule of Law**

International and regional treaties are increasingly making explicit reference to the rule of law.\(^21\) While not explicitly articulated as an obligation in the ICCPR, the rule of law is recognized as

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\(^8\) U.N. (CCPR), General Comment 31, para. 8  
\(^9\) U.N. (CCPR), General Comment 31, para. 7  
\(^10\) U.N. (CCPR), General Comment 25, para. 11  
\(^11\) U.N. (CCPR), General Comment 31, paras. 8 and 15  
\(^12\) U.N. (CCPR), General Comment 31, para. 14  
\(^13\) U.N. (CCPR), General Comment 31, para. 4  
\(^14\) UNGA, Declaration on Rights and Responsibility, art. 8(2)  
\(^15\) U.N. (CCPR), General Comment 29, para. 8  
\(^16\) CESCR, Siracusa Principles, para. A.14  
\(^17\) CESCR, Siracusa Principles, para. B.42-44  
\(^18\) CESCR, Siracusa Principles, para. A.11  
\(^19\) CESCR, Siracusa Principles, para. D.58-60  
\(^20\) CESCR, Siracusa Principles, para. E.62  
\(^21\) U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble
an essential condition for the fulfillment of human rights and representative democracy.

International and regional treaties also say that states should take measures to promote the principles of the rule of law, keeping in mind that all people are equal before the law and that laws should be equally enforced. Laws must also be consistent with international human rights, and treaty obligations should be implemented in good faith. Conversely, provisions of domestic law may not be used to justify failure to perform treaty obligations.

Interpretive sources indicate that laws and procedures must not be arbitrarily applied. Suspension or exclusion of participatory rights is prohibited except on grounds established by laws that are objective and reasonable.

**Process-Focused Obligations**

**Periodic Elections**

This obligation is generally understood to mean that elections must take place at reasonable intervals. Any postponement of the election must be necessary because of the unique exigencies of the situation.

The obligation to hold periodic elections has been interpreted to mean that the interval between elections should not be unduly long, such that the authority of the government is no longer representative of the will of the electors.

Other sources, indicative of state practice, suggest that in most cases elections should be held between two and five years apart.

**Universal Suffrage**

The obligation to ensure universal suffrage appears in the International Covenant on Civil and Political Rights and other international treaties and requires that the state guarantee that the broadest pool of voters be allowed to cast ballots. Unreasonable restrictions on universal suffrage include those based on:

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22 UNGA, Millennium Declaration; UNGA, Resolutions on the rule of law; OAS, IADC, arts. 3 and 4; and OSCE, Copenhagen Document, para. 3; Annan, Report on Rule of Law
23 U.N., ICCPR, art. 26; AU, AFCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)
24 U.N., ICCPR, art. 26
25 U.N., ICCPR, art. 2
26 U.N., Vienna Convention, art. 27
27 Id.
28 U.N. (CCPR), General Comment 25, para. 4
29 U.N. (CCPR), General Comment 25, para. 4
30 For example, U.N., ICCPR, art. 25(b); AU, AFCHPR, arts. 3(4) and 32(7); OAS, ACHR, art. 23(1)(b); CoE, ECHR Protocol No 1, art. 3; and OSCE, Copenhagen Document, paras. 6 and 7.1
31 CESCR, Siracusa Principles, para. C.51–53
32 U.N. (CCPR), General Comment 25, para. 9
33 CoE (Venice Commission), Code of Good Practice, para. I.1.6
34 For example, U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23(b); CIS, Convention on Human Rights, art. 29(b); AU, ACDEG, art. 4(2); OAS, IADC, art. 3; and OSCE, Copenhagen Document, para. 7.3
• Excessive residency requirements
• Naturalized citizenship
• Criminal conviction (disproportionate to the severity of the crime or blanket disenfranchisement provisions)
• Surpassing the legal age of majority
• Race
• Sex
• Religion
• Physical disability
• Mental, intellectual, or psychosocial disability (that is disproportionate or has no reasonable or objective relationship to the person’s ability to vote)
• Political or other opinion
• National or social origin
• Sexual orientation or gender identity
• Language
• Birth or other status
• Literacy
• Education
• Property ownership
• Party membership
• Naturalized citizenship
• Status as an internally displaced person
• Economic circumstances

35 See OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11, with regard to reasonable residency requirements.
36 U.N., ICCPR, art. 25(b) ; U.N. (CCPR), General Comment 25, para. 3
37 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 14 ; U.N. (CCPR), Concluding Observations on the United Kingdom and Northern Ireland (2008), para. 28
38 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 10; U.N., CRC, art. 1
39 U.N., ICCPR, arts. 2 and 25
40 U.N., ICCPR, arts. 2 and 25
41 U.N., ICCPR, arts. 2 and 25
42 U.N., CRPD, art. 29
43 U.N. (CCPR), Concluding Observations, Belize (2013), para. 24
44 U.N., ICCPR, arts. 2 and 25
45 U.N., ICCPR, arts. 2 and 25
46 EU, Charter on Fundamental Rights, art. 21(2); U.N. (CCPR), Toonen v. Australia (1994); U.N. (CESCR), General Comment 20, para. 32
47 U.N., ICCPR, art. 2
48 U.N., ICCPR, arts. 2 and 25
49 U.N. (CCPR), General Comment 25, para. 10
50 U.N. (CCPR), General Comment 25, para. 10
51 U.N. (CCPR), General Comment 25, para. 10
52 U.N. (CCPR), General Comment 25, para. 10
53 U.N. (CCPR), General Comment 25, para. 3
54 UNGA, Guiding Principles on Internal Displacement, Principle 4.1
55 U.N., Human Rights and Elections, p. 65
International treaties add that accommodation should be made to facilitate voting by people with disabilities\textsuperscript{56} or by those with special needs.\textsuperscript{57}

**Equal Suffrage**

International and regional treaties protect the right to an election held by equal suffrage.\textsuperscript{58} They require that every voter be granted a vote of equal value to that of other voters.

Interpretive sources add that the principles of “one person, one vote” must apply and that constituency boundaries should be drawn so that voters are represented in the legislature on a (roughly) equal basis.\textsuperscript{59}

Other sources, indicative of state practice, suggest that this requires that safeguards be put in place to diminish the potential for multiple voting and fraud.\textsuperscript{60}

**Secret Ballot**

International and regional treaties state that everyone has the right to cast their ballot in secret.\textsuperscript{61} This includes people with disabilities.\textsuperscript{62} Voting must be by secret ballot so that ballots cannot be linked with voters who cast them, and voters can cast their ballot without fear of intimidation.

Interpretive sources add that the secrecy of the ballot must be maintained throughout the entire electoral process.\textsuperscript{63} A few sources indicative of state practice suggest that except in cases in which a voter is being lawfully assisted, a voter cannot waive his/her right to secrecy of the ballot.\textsuperscript{64}

**Prevention of Corruption**

International and regional treaties are clear that states should take measures to prevent corruption.\textsuperscript{65} Anticorruption instruments such as the U.N. Convention Against Corruption include important provisions regarding the behavior of public officials, ensuring that they are honest and responsible.\textsuperscript{66} Treaty sources define corruption as including:

\textsuperscript{56} U.N., CRPD, art. 29(a)
\textsuperscript{57} U.N. (CCPR), General Comment 25, para. 21
\textsuperscript{58} U.N., ICCPR, art. 25 (b); OAS, ACHR, art. 23 (1)(b); CIS, Convention on Human Rights, art. 29(b) and OSCE, Copenhagen Document, para. 7.3
\textsuperscript{59} U.N. (CCPR), General Comment 25, para. 21
\textsuperscript{60} EISA and ECF for SADC Countries, PEMMO, 25; OSCE (ODIHR), Handbook (Ed. 6), p. 59
\textsuperscript{61} U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23 (b); CoE, ECHR (Protocol 1), art. 3, CIS, Convention on Human Rights, art. 29(b); U.N., UDHR, art. 21(3); OAS, IADC, art. 3; and OSCE, Copenhagen Document, para. 7.4
\textsuperscript{62} U.N., CRPD, art. 29(a)(ii)
\textsuperscript{63} U.N. (CCPR), General Comment 25, para. 20
\textsuperscript{64} EU, Handbook (Ed. 2), p. 79
\textsuperscript{65} U.N., UNCAC, art. 18; AU, ACDEG, art. 7(1); OAC, IACAC, art. 11(2); CIS, Convention on Democratic Elections, art. 3(6)
\textsuperscript{66} U.N., UNCAC, art. 8(1)
• The solicitation or acceptance of something of value in exchange for an advantage\textsuperscript{67}
• The offering or granting of something of value in exchange for an act or omission in the performance of a public function\textsuperscript{68}
• Fraudulent use or concealment of property derived from corrupt activities\textsuperscript{69}
• Participation or conspiracy to commit corrupt activities\textsuperscript{70}
• Any act or omission of official functions by a public official to gain illicit benefits\textsuperscript{71}
• The use of state property for purposes other than those for which they were intended for the benefit of the public official or a third party\textsuperscript{72}
• Improper influence\textsuperscript{73}

International and regional treaties encourage states to implement or maintain effective policies to prevent corruption, including transparency in procurement, decision making, and recruitment of officials as well as public participation as a means of discouraging corruption.\textsuperscript{74} Further, states are encouraged to promote campaign and political finance regulation and to promote public participation in decision making. In the context of elections, these obligations are relevant to issues regarding the use of public resources by incumbents.

**Individual Rights and Freedoms**

**Right and Opportunity to Participate in Public Affairs**

International and regional treaties protect the ability of citizens to participate in the public affairs of their country.\textsuperscript{75} Women as well as men have the right to participate in the public affairs of their country.\textsuperscript{76} International treaties also explicitly protect the rights of people with disabilities and members of minority groups to participate in public affairs.\textsuperscript{77}

State practice sources suggest that states have the obligation to respect the right of civil society groups (including citizen observer

\textsuperscript{67} AU, Convention on Corruption, art. 4
\textsuperscript{68} U.N., UNCAC, art. 19; AU, Convention on Corruption, art. 4; OAC, IACAC, art. VI; GRECO, Criminal Law Convention, art. 2
\textsuperscript{69} AU, Convention on Corruption, art. 4; OAS, IACAC, art. VI
\textsuperscript{70} Id.
\textsuperscript{71} Id.
\textsuperscript{72} Id.
\textsuperscript{73} U.N., UNCAC, art. 18, AU, Convention on Corruption, art. 4
\textsuperscript{74} UNCAC, art. 7(3); on public decision making see, U.N., UNCAC, art. 13(a). On recruitment of staff see U.N., UNCAC, art. 7(a); AU, Convention on Corruption, art. 7(4) or OAS, IACAC, art. III(4). On procurement see U.N., UNCAC, art. 9; AU, Convention on Corruption, art. 7(4) and OAS, IACAC, art. III(4)
\textsuperscript{75} U.N., ICCPR, art. 25 (a); AU, AfCHPR, art. 13 (1); OAS, ACHR, art. 23 (1); and CIS, Convention on Human Rights, art. 29 (a)
\textsuperscript{76} U.N., CEDAW, art. 7 (c)
\textsuperscript{77} U.N., ICERD, art. 5(c); U.N., CRPD, art. 29(b)(1)
organizations) to engage in the political and electoral process, including granting accreditation to allow such activities.\textsuperscript{78}

**Observation.** Regional treaties are clear that the participation of observers, both citizen and international, may enhance all aspects of the electoral process\textsuperscript{79} and should be facilitated.

**Right and Opportunity to Vote**

International and regional treaties protect the right to vote.\textsuperscript{80} Unlike most other rights in the ICCPR and other documents, the right to vote is often restricted to citizens, though resident noncitizens may also be entitled to vote.\textsuperscript{81} This right may be limited based only on objective and reasonable criteria. Unreasonable restrictions include, but are not limited to, those based on:

- Excessive residency requirements\textsuperscript{82}
- Naturalized citizenship\textsuperscript{83}
- Criminal conviction (disproportionate to the severity of the crime or blanket disenfranchisement provisions)\textsuperscript{84}
- Status as a remanded prisoner yet to be convicted of an offense\textsuperscript{85}
- Surpassing the legal age of majority\textsuperscript{86}
- Race\textsuperscript{87}
- Sex\textsuperscript{88}
- Religion\textsuperscript{89}
- Physical disability\textsuperscript{90}
- Mental, intellectual, or psychosocial disability (that is disproportionate or has no reasonable or objective relationship to the person’s ability to vote)\textsuperscript{91}
- Political or other opinion\textsuperscript{92}
- National or social origin\textsuperscript{93}

\textsuperscript{78} U.N., Report of the Special Representative to the Secretary General on Human Rights Defenders (2006), para. 106
\textsuperscript{79} AU, ACDEG, arts. 19-22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8, OAS, IADCI, arts. 23-25
\textsuperscript{80} U.N., ICCPR, art. 25; AU, ACHPR, art. 13(1); AU, Protocol to the ACHPR, art. 9; OAS, ACHR, art. 23(1)(b); CIS, Convention on Democratic Elections, art. 21(a); EU, Charter on Fundamental Rights, art. 40
\textsuperscript{81} CoE, Convention on the Participation of Foreigners, 5.II.1992, art. 6(1)
\textsuperscript{82} See OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11 with regard to reasonable residency requirements.
\textsuperscript{83} U.N., ICCPR, art. 25(b) ; U.N. (CCPR), General Comment 25, para. 3
\textsuperscript{84} OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 14 ; U.N. (CCPR), Concluding Observations on the United Kingdom and Northern Ireland (2008), para. 28
\textsuperscript{85} U.N. (CCPR), Fongum Gorji-Dinka v Cameroon, Communication No. 1134/2002 (2005), p. 6
\textsuperscript{86} OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 10; U.N., CRC, art. 1
\textsuperscript{87} U.N., ICCPR, arts. 2 and 25
\textsuperscript{88} U.N., ICCPR, arts. 2 and 25
\textsuperscript{89} U.N., ICCPR, arts. 2 and 25
\textsuperscript{90} U.N., CRPD, art. 29
\textsuperscript{91} U.N. (CCPR), Concluding Observations, Belize (2013), para. 24
\textsuperscript{92} U.N., ICCPR, arts. 2 and 25
\textsuperscript{93} U.N., ICCPR, arts. 2 and 25
• Sexual orientation or gender identity
• Language
• Birth or other status
• Literacy
• Education
• Property ownership
• Party membership
• Status as an internally displaced person
• Economic circumstances

Interpretive sources indicate that even reasonable restrictions may have a disproportionate or indirect impact on the enjoyment of rights by women. In addition, they suggest that states should ensure that reasonable restrictions do not disproportionately impact minority groups. The right to vote cannot be restricted on the basis of individualized decisions taken by a judge.

Right and Opportunity to Be Elected

International and regional treaties protect the right of every citizen to be elected, subject only to objective and reasonable restrictions. Unreasonable restrictions include, but are not limited to, those based on:

• Excessive residency requirements
• Naturalized citizenship
• Criminal conviction (disproportionate to the severity of the crime or blanket disenfranchisement provisions)
• Surpassing the legal age of majority
• Race
• Sex
• Religion

94 EU, Charter on Fundamental Rights, art. 21(2); U.N. (CCPR), Toonen v. Australia (1994); U.N. (CESCR), General Comment 20, para. 32
95 U.N., ICCPR, art. 2
96 U.N., ICCPR, arts. 2 and 25
97 U.N. (CCPR), General Comment 25, para. 10
98 U.N. (CCPR), General Comment 25, para. 10
99 U.N. (CCPR), General Comment 25, para. 10
100 U.N. (CCPR), General Comment 25, para. 10
101 UNGA, Guiding Principles on Internal Displacement, Principle 4.1
102 U.N., Human Rights and Elections, p. 65
103 U.N., CEDAW, General Recommendation 23, para. 18
104 U.N. (CCPR), Concluding Observations, United States of America (2006), para. 35
105 U.N. (CRPD), Concluding Observations, Spain (2011), para. 48
106 U.N., ICCPR, art. 25(b); AU, ACHPR, art. 13(1); OAS, ACHR, art. 23(1)(a); LAS, Arab Charter, art. 24(3-4); CIS, Convention on Human Rights, art. 29(b)
107 See OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11 with regard to reasonable residency requirements. CoE, European Convention on the Participation of Foreigners, art. 6.1
108 U.N., ICCPR, art. 25(b); U.N. (CCPR), General Comment 25, para. 3
109 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 14; U.N. (CCPR), Concluding Observations on the United Kingdom and Northern Ireland (2008), para. 28
110 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 10; U.N., CRC, art. 1
111 U.N., ICCPR, arts. 2 and 25
112 U.N., ICCPR, arts. 2 and 25
113 U.N., ICCPR, arts. 2 and 25
The Framework: Obligations and Constituent Parts of the Election

• Physical disability
• Political or other opinion
• National or social origin
• Sexual orientation or gender identity
• Language
• Birth or other status
• Literacy
• Education
• Property ownership
• Party membership
• Status as an internally displaced person
• Economic circumstances
• Holding a position that does not constitute a conflict of interest if also holding elective office
• Excessive monetary fees or deposits

Interpretive sources indicate that even reasonable restrictions may have a disproportionate or indirect impact on the enjoyment of rights by women. In addition, they suggest that states should ensure that reasonable restrictions do not disproportionately impact minority groups.

Other state practice sources indicate that the loss of the right to be elected may only be imposed after adjudication by a court.

Equality Between Men and Women

Treaty sources make clear that women should enjoy equal rights to men and that in some cases states should take temporary special measures to achieve de facto equality for women.

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, and targeting:

114 U.N., CRPD, art. 29
115 U.N., ICCPR, arts. 2 and 25
116 U.N., ICCPR, arts. 2 and 25
117 EU, Charter on Fundamental Rights, art. 21(2), U.N. (ICCPR), Toonen v. Australia (1994); U.N. (CESCR), General Comment 20, para. 32
118 U.N., ICCPR, art. 2
119 U.N., ICCPR, arts. 2 and 25
120 U.N. (ICCPR), General Comment 25, para. 10
121 U.N. (ICCPR), General Comment 25, para. 10
122 U.N. (CRPD), General Comment 25, para. 10
123 U.N. (ICCPR), General Comment 25, para. 10
124 UNGA, Guiding Principles on Internal Displacement, Principle 4.1
125 U.N., Human Rights and Elections, p. 65
126 U.N. (CCPR), General Comment 25, para. 16
127 U.N. (CCPR), General Comment 25, para. 16
128 U.N., CEDAW, General Recommendation 23, para. 18
129 U.N. (CCPR), Concluding Observations, United States of America (2006), para. 35
130 OSCE, Moscow Document, para. 18
131 U.N., CEDAW, arts. 3–4
132 U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); CoE, ECHR, art. 23
133 U.N., CEDAW, art. 3
women for appointment to public positions or the use of quotas to ensure female participation in public affairs. Interpretive sources also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory. Other examples of special measures to ensure equality between men and women are included in subsequent sections of the publication.

Interpretive sources highlight the importance of gender disaggregated data in order to fully assess the degree to which women and men are able to participate in electoral processes equally.

**Freedom From Discrimination and Equality Before the Law**

International treaties establish the right to equality before the law while separately calling for freedom from discrimination in the exercise of human rights and fundamental freedoms. Although the obligation is explicitly tied to the rights enshrined in Article 25 of the ICCPR, it is applicable to all the obligations in the covenant.

International and regional treaties require that everyone be able to enjoy their rights, free from discrimination on the basis of race, color, sex, language, religion, political or other opinion, property, sexual orientation or gender identity, physical or mental ability, birth, or other status at any time. Treaty sources also state that although states may regulate the law concerning nationality, citizenship, or naturalization, they may not discriminate against any particular nationality in doing so. Where linguistic minorities exist, those that belong to such minorities should not be denied the right to use their own language.

Treaty sources also indicate that—in addition to the obligation not to discriminate in the protection and promotion of other rights—all are equal before the law and should enjoy the equal protection of the law. Everyone has the right of equal access to any place or service intended for use by the public.

Interpretive sources state that the state is obligated to perform both its “negative duty” to refrain from discrimination and its “positive duty” to prevent discrimination; for example, by promulgating antidiscrimination legislation.

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134 U.N., CEDAW, General Recommendation 23, para. 15
135 U.N. (ICCPR), General Comment 28, para. 29
136 U.N., CEDAW, General Recommendation 25, para. 35
137 U.N., ICCPR, art. 2(1); AU, ACHPR, art. 2; OAS, ACHR, art. 1; EU, ECHR, art. 14; and CIS, Convention on Human Rights, art. 20
138 EU, Charter on Fundamental Rights, art. 21(2); U.N. (CCPR), Toonen v Australia (1994); U.N. (CESCR), General Comment 20, para. 32
139 U.N., CRPD, art. 4; OAS, Inter-American Convention on the Rights of People with Disabilities, art. 2(c)
140 U.N., ICCPR, art. 25; AU, ACHPR, art. 2; OAS, ACHR, art. 1; CIS, Convention on Human Rights, art. 20
141 U.N., ICERD, art. 1
142 U.N., ICCPR, art. 26; AU, ACHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)
143 U.N., ICCPR, art. 26
144 U.N., ICERD, art. 5; U.N., CRPD, art. 9
145 U.N. (ICCPR), General Comment 28, para. 21
146 U.N., Report on the Working Group of Experts on People of African Descent, para. 82
Special Measures. International and regional treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may be taken, when the circumstances warrant. These measures should not be maintained after the objectives for which they were taken are met and should not result in the maintenance of unequal rights for different groups. In order to ensure equal opportunity for people belonging to minority groups, it is recommended that states collect disaggregated data.

International and regional treaties also state that measures may be taken to ensure the equal enjoyment of rights by people with disabilities. Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory.

Freedom of Assembly

International and regional treaties recognize freedom of assembly as essential to democratic elections, especially for candidates and political parties. Freedom of assembly may only be restricted under circumstances prescribed by law and necessary in a democratic society. These include:

• National security
• Public safety
• Public order (ordre public)
• Public health and morals
• The protection of the rights and freedoms of others

Freedom of Association

International and regional treaties protect freedom of association. Freedom of association is critical in the context of political parties and campaign activities and includes the ability to freely establish political parties. Restrictions must be prescribed by law and are necessary in a democratic society. These include those in the interests of:

147 U.N., ICERD, art. 1
148 U.N., ICERD, art. 1
149 U.N. (CCPR), Concluding Observations, France (2008), para. 12
150 U.N., CRPD, art. 5
151 U.N., ICCPR, art. 21; AU, AFCHPR, art. 11; OAS, ACHR, art. 15; LAS, Arab Charter, art. 24 (5–1); CoE, ECHR, art. 11; CIS, Convention on Human Rights, art. 12(1)
152 U.N., ICCPR, art. 21; OAS, ACHR, art. 15; CIS, Convention on Human Rights, art. 12(2)
153 U.N., ICCPR, art. 21; AU, AFCHPR, art. 11; OAS, ACHR, art. 15; CoE, ECHR, art. 11(2); CIS, Convention on Human Rights, art. 12(2)
154 U.N., ICCPR, art. 21; OAS, ACHR, art. 15; CoE, ECHR, art. 11(2); CIS, Convention on Human Rights, art. 12(2)
155 U.N., ICCPR, art. 21; OAS, ACHR, art. 15; CoE, ECHR, art. 11(2); CIS, Convention on Human Rights, art. 12(2)
156 U.N., ICCPR, art. 21; OAS, ACHR, art. 15; CoE, ECHR, art. 11(2); CIS, Convention on Human Rights, art. 12(2)
157 U.N., ICCPR, art. 22(1); AU, AFCHPR, art. 10(1); OAS, ACHR, art. 16(1); LAS, Arab Charter, art. 24; CoE, ECHR, art. 11; and CIS, Convention on Human Rights, art. 12(1)
158 AU, ADEG, art. 3(11); U.N. (CCPR), General Comment 25, para. 26
159 U.N., ICCPR, art. 22(2); AU, AFCHPR, art. 10; OAS, ACHR, art. 16(2); LAS, Arab Charter, art. 24; CoE, ECHR, art. 11(2); CIS, Convention on Human Rights, art. 12(2)
• National security\textsuperscript{160}
• Public safety\textsuperscript{161}
• Public order (ordre public)\textsuperscript{162}
• Public health and morals\textsuperscript{163}
• The protection of the rights and freedoms of others\textsuperscript{164}

Restrictions on freedom of association — on the basis that ideas that are not favorable to the government will be promoted — are unreasonable.\textsuperscript{165} Lawful restrictions on the freedom of association may be placed on members of the armed forces and police.\textsuperscript{166}

Interpretation offered by the U.N. Human Rights Committee makes it clear that some individual rights can also be enjoyed in groups with others.\textsuperscript{167} This is critical to an understanding of freedom of association with regard to the electoral process.

**Nongovernmental organizations.** International and regional treaties are clear that everyone has the right to associate with nongovernmental organizations.\textsuperscript{168}

Political commitments add that national law should not unjustifiably restrict the ability of any person to join a nongovernmental organization and that states should recognize accredited organizations and facilitate their ability to conduct their activities.\textsuperscript{169} Any act or omission by a governmental organ that affects a nongovernmental organization should be subject to administrative review and open to challenge.\textsuperscript{170} While specific documentation may be required to establish a nongovernmental organization, the administrative process for registration should be applied with minimum margin of discretion.\textsuperscript{171}

**Freedom of Movement**

International and regional treaties protect freedom of movement, which is considered essential during the electoral process, not only for political parties and voters but also for poll workers and election observers.\textsuperscript{172} It includes the ability of citizens who are abroad to return (where the law allows) to their country to participate in

\textsuperscript{160} U.N., ICCPR, art. 22; OAS, ACHR, art. 16; LAS, Arab Charter, art. 24; CoE, ECHR, art. 11; CIS, Convention on Human Rights, art. 12
\textsuperscript{161} Id.
\textsuperscript{162} Id.
\textsuperscript{163} Id.
\textsuperscript{164} Id.
\textsuperscript{165} U.N. (CCPR), Victor Korneenko et al. v. Belarus (2006), para. 7.3
\textsuperscript{166} U.N., ICCPR, art. 22
\textsuperscript{167} U.N. (CCPR), General Comment 31, para. 9
\textsuperscript{168} U.N., CEDAW, art. 7; U.N., CRPD, art. 29; AU, ACDEG, art. 27
\textsuperscript{169} CoE, Fundamental Principles on NGOs, p. 4; OSCE, Moscow Document, para. 43
\textsuperscript{170} CoE, Fundamental Principles on NGOs, p. 2
\textsuperscript{171} CoE (Committee of Ministers), Guidelines to Promote the Development of NGOs, paras. 12–13
\textsuperscript{172} U.N., ICCPR, art. 12(1); ICERD, art. 5(d.i); AU, ACHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); EU, Charter on Fundamental Rights, art. 45(1); CIS, Convention on Human Rights, art. 22; U.N. (CCPR), General Comment 27, paras. 11, 14 and 20–21; U.N., UDHR, art. 13
Any restriction of the right to freedom of movement must be proportionate to the interests it intends to protect. Restrictions may include those in the interests of:

- National security
- Public order
- Public health or morals
- Protection of the rights and freedoms of others
- Prevention of a crime

Political commitments add that those displaced in advance of an election should have the opportunity to return on election day to cast their ballots.

**Freedom of Opinion and Expression**

International and regional treaties protect freedom of opinion and expression. Free communication of information and ideas by voters and candidates is essential to genuine elections. It includes the right for everyone, including political parties, candidates, and their supporters, to seek, receive, and impart ideas through any means of their choice, including but not limited to writing, speech, print, art, or the Internet. Freedom of expression also protects the right to communicate freely with international bodies.

Freedom of expression may only be restricted under certain circumstances as are prescribed by law and are necessary in a democratic society. Such restrictions include those that:

- Are in the interests of national security
- Protect territorial integrity
- Are in the interests of public safety
- Maintain the authority and impartiality of the judiciary
- Prevent disclosure of information received in confidence

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173 U.N., ICCPR, art. 12(2); AU, AfCHPR, art. 12(2); CIS, Convention on Human Rights, art. 22(2)
174 U.N. (CCPR), General Comment 27, para. 14
175 U.N., ICCPR, art. 12(3); AU, AFCHPR, art. 12(3); OAS, ACHR, art. 22(3); CIS, Convention on Human Rights, art. 22(3)
176 Id.
177 U.N., ICCPR, art. 12; AU, AFCHPR, art. 12(3); CIS, Convention on Human Rights, art. 22(3)
178 U.N., ICCPR, art. 12; OAS, ACHR, art. 22(3); CIS, Convention on Human Rights, art. 22(3)
179 OAS, ACHR, art. 22
180 UNGA, Guidelines on Internal Displacement, para. 22(1)(c–d)
181 U.N., ICCPR, art. 19; AU, AFCHPR, art. 9(2); OAS, ACHR, art. 13; LAS, Arab Charter, art. 32; CoE, ECHR, art. 10; CIS, Convention on Human Rights, art. 11; U.N., UDHR, art. 19
182 U.N., ICCPR, art. 19
183 U.N. (CCPR), General Comment 34, para. 12
184 AU, ACDEG, art. 27(8)
185 U.N., ICCPR, art. 19; OAS, ACHR, art. 13; LAS, Arab Charter, art. 32; CoE, ECHR, art. 10; CIS, Convention on Human Rights, art. 11
186 U.N., ICCPR, art. 19; OAS, ACHR, art. 13(2)(b); LAS, Arab Charter, art. 32(2); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)
187 CoE, ECHR, art. 10
188 OAS, ACHR, art. 13(2); LAS, Arab Charter, art. 32(2); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)
189 CoE, ECHR, art. 10
190 CoE, ECHR, art. 10
Freedom of expression may be restricted when an expression seeks to destroy other established rights or for the protection of the rights and freedoms of others. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence should be prohibited by law.

Regional treaties offer specific guidance regarding limitations to ensure that free communication and circulation of ideas may not be restricted by indirect means such as abuse of regulatory controls over the media.

Interpretive sources support the notion that free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is necessary.

Interpretive sources state that restrictions on the Internet or other information dissemination systems are permissible only to the extent they seek to protect rights. Sites may not be blocked simply because they are critical of the government.

**Transparency and Access to Information**

International and regional treaties establish that everyone has the right to seek and receive information. While an important right itself, access to information is also a critical means of ensuring transparency and accountability throughout the electoral process. When taken together with the state’s obligation to take the steps necessary to give effect to rights and with the transparency-related elements of the obligation to prevent corruption, a strong argument can be made for an obligation for transparency in the electoral process.

A limited set of reasonable and objective restrictions may be placed on access to information. Such restrictions include those in the interests of:

- National security
- Protecting territorial integrity
- Public safety
- Maintaining the authority and impartiality of the judiciary

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191 U.N., ICCPR, art. 5
192 U.N., ICCPR, art. 5; OAS, ACHR, art. 13(2)(a); LAS, Arab Charter, art. 32(2); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 10(2)
193 U.N., ICCPR, art. 20(2); OAS, ACHR, art. 13(5)
194 OAS, ACHR, art. 13
195 U.N. (ICCPR), General Comment 25, para. 25
196 U.N. (ICCPR), General Comment 34, para. 43
197 U.N., ICCPR, art. 19(2); AU, ACHPR, art. 9(1); OAS, ACHR, art. 13(1); LAS, Arab Charter, art. 32; CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)
198 U.N., UNCAC, art. 10(a) and 13(1)(b)(d); AU, Convention on Corruption
199 U.N., ICCPR, art. 19; OAS, ACHR, art. 13(2)(b); LAS, Arab Charter, art. 32(2); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)
200 CoE, ECHR, art. 10
201 OAS, ACHR, art. 13(2); LAS, Arab Charter, art. 32(2); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)
202 CoE, ECHR, art. 10
- The prevention of disclosure of information received in confidence\textsuperscript{203} In addition, access to information may be restricted in order to protect the rights and freedoms of others\textsuperscript{204} and when an expression seeks to destroy other established rights\textsuperscript{205} It may also be restricted to protect personal data\textsuperscript{206} States should take steps to ensure access to information for people with disabilities without additional cost\textsuperscript{207}

**Right to Security of the Person**

International and regional treaties protect the right to security of the person, which includes protection from arbitrary arrest, detention, and exile\textsuperscript{208} Interpretive sources specifically highlight the need for voters to be protected from interference, coercion, or intimidation\textsuperscript{209} State practice sources suggest that this obligation also requires law enforcement to behave in a neutral manner during the electoral process\textsuperscript{210}

**Right to an Effective Remedy**

International and regional treaties protect the right of everyone to an effective remedy before a competent national tribunal for acts that violate their rights or freedoms\textsuperscript{211} The right to an effective remedy is fundamental to ensuring the fulfillment of all other human rights. Therefore, the right to an effective remedy is applicable throughout the electoral process. Regional treaties clearly state that remedies should be available for complaints arising throughout the electoral process, including the ability to challenge results\textsuperscript{212} Effective redress requires that disputes be dealt with in a timely manner\textsuperscript{213} and that states must enforce the remedy when granted\textsuperscript{214} Interpretive sources expand upon this obligation, stating that a recurrence of a rights violation must be prevented\textsuperscript{215} In addition, cessation of a violation is an essential element of an effective remedy\textsuperscript{216} An effective remedy may require reparation or, at times, may require states to take interim measures\textsuperscript{217}

\begin{itemize}
\item CoE, ECHR, art. 10
\item U.N., ICCPR, art. 25
\item U.N., ICCPR, art. 25
\item U.N., UN/CAC, arts. 10 and 13; CoE, Convention on the Protection of Personal Data, art. 4(1); EU, Charter on Fundamental Rights, art. 8(1)
\item U.N., CRPD, art. 9
\item U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, arts. 7(1) and 7(2); LAS, Arab Charter, art. 14; CoE, ECHR, art. 5; GS, Convention on Human Rights, art. 5(1); U.N., UDHR, arts. 3 and 9
\item U.N. (CCPR), General Comment 25, para. 11
\item EU, Handbook (Ed. 2) p. 52
\item U.N., ICCPR, art. 2; OAS, ACHR, art. 25; CoE, ECHR, art. 13
\item ECOWAS, Protocol, art. 7
\item AU, AfCHPR, art. 7
\item U.N., ICCPR, art. 2
\item U.N., General Comment 31, para. 17
\item U.N. (CCPR), General Comment 31, paras. 16 and 19
\end{itemize}
Right to a Fair and Public Hearing

International and regional treaties state that everyone is entitled to a fair and public hearing by a competent, impartial, and independent tribunal in determination of their rights. They add that fair trial must be expeditious and that the independence and impartiality of tribunals are absolute rights. This right must be protected except for specific and objective reasons as determined by law.

The right to appeal is not guaranteed in the determination of a suit at law, and the obligation for a public hearing does not necessarily apply to appellate proceedings.

Interpretive sources suggest that the notion of a fair trial includes the guarantee of a fair and public hearing, absent of influence, which requires an independent, impartial, and competent tribunal. While interpretive sources are clear that any body that meets the criteria of impartiality and independence can be considered a tribunal, they also state that a situation in which the executive and the judiciary are not clearly distinguishable is incompatible with the notion of an independent and impartial tribunal. An electoral management body, with executive powers, would not meet the criteria of an independent and impartial tribunal; therefore, a hearing by a separate judicial body would be required.

In the context of dispute resolution, equality before the courts is essential. Interpretive sources suggest that this includes equality in arms and equal access to the courts. Fees that de facto prevent access to the courts may violate the obligation of equal access to the courts. This guarantee extends to judicial bodies entrusted with any judicial task.

Independence of the tribunal requires proper procedures detailing appointment, term limits, security, and remuneration of tribunal members. Impartiality requires that judges act without bias and that the tribunal appears unbiased to the reasonable observer. While a fair and public hearing is one essential means of promoting an effective remedy for violations of other fundamental rights,
remedy must also be available for violations of the right to a fair and public hearing itself.233

The Parts of the Electoral Process

The Carter Center—building on the work of the ACE Electoral Knowledge Network, the European Union, the U.N. Development Program (UNDP), International IDEA, and many others—recognizes that an election is much more than just election day: It is a cyclical process that unfolds over months before and after voting occurs. Focusing on the parts of the process most relevant to election observation and assessment, The Carter Center has identified 10 core parts of the electoral process that form the backbone of the analytical framework outlined in this publication. These parts, represented in Chart 2 below, are:

- The legal framework. Includes rules that regulate how all aspects of the electoral process will unfold to ensure that the electoral process is consistent with the state’s human rights obligations.

- The electoral system and boundary delimitation. Focuses on ways votes are converted into mandates and how constituencies are drawn. Like the legal framework, they must be consistent with a state’s human rights obligations.

- Election management. Includes issues related to the structure and mandate of the electoral management body.

- Voter registration. Includes all aspects of the electoral process related to the registration of voters.

- Voter education. Includes efforts provided by the state, the electoral management body, political parties, or civil society to educate the citizenry on the electoral process.

- Candidacy and campaigning. Includes the registration of candidates and political parties, campaign finance, and other aspects of the electoral process associated with campaigns and/or candidates and political parties.

- The media. Includes not only issues related to the rights of journalists, but also to the overall media environment, media coverage, and the ability of political contestants to equitably access the media.

233 U.N. (CCPR), General Comment 32, para. 58
• Voting operations. Relates to election-day operations and events, including polling station operations and management, the secrecy of the ballot, and issues such as the procurement of ballots or technology and establishing alternative means of voting.

• Vote counting. Includes all counting, aggregation, and tabulation processes through to the final announcement of results.

• Electoral dispute resolution. Includes any mechanism established to hear and adjudicate election-related disputes throughout the electoral cycle.

Based on a close review of nearly 200 sources of public international law, each of the 21 obligations was associated with the relevant constituent parts of the election, creating a framework for election assessments. The 21 obligations are described in greater detail in subsequent sections of this guide, along with their meaning in the context of specific parts of the electoral process. Chart 3 provides an overview snapshot of the obligations that have been found particularly relevant to various constituent parts of the electoral process.
### Chart 3: Relevant Obligations

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<th>Process-Focused Obligations</th>
<th>Individual Rights and Freedoms</th>
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<td><strong>Freedom of Assembly</strong></td>
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<td><strong>Equal Suffrage</strong></td>
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<td><strong>Secret Ballot</strong></td>
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<td><strong>Periodic Elections</strong></td>
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<td><strong>Prevention of Corruption</strong></td>
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<td><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></td>
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<td><strong>Rule of Law</strong></td>
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The Framework: Obligations and Constituent Parts of the Election

33
This manual serves as a companion to the Carter Center’s Election Obligations and Standards (EOS) database. It is intended to serve as a reference guide and to assist in the assessment of electoral processes conducted by election observers and others interested in understanding the quality of the election process and the degree to which practices meet international obligations and standards. Like a dictionary, its format and structure are intended to allow the user to quickly find relevant information, without necessarily reading the manual from cover to cover.

This manual draws heavily from the content of the EOS database. Unlike the EOS database, however, it does not include excerpts of the key treaties and instruments relevant to elections. Rather, the manual summarizes information from the EOS database, thus providing a ready reference for election assessment. In addition, it outlines criteria for assessing the degree to which electoral processes meet obligations and standards and provides illustrative questions for data collection that can be used to guide the evaluation process.

Sections 1–10 of the Manual

The following sections of the manual are organized by constituent part of the electoral process (as outlined in the previous Framework section of this handbook). Each section begins with a definition of the part of the electoral process, followed by a summary of the main electoral issues covered in that section.

In order to avoid repetition and make the manual user-friendly, each section is divided into subsections focused on discrete electoral issues. These electoral issues are topics or subjects that often arise regarding this part of the electoral process.

After the electoral issue, the key obligations relevant to the electoral issue are listed (again, based on the review of sources of obligations).

When using this handbook in conjunction with the EOS database, searching by the key obligations and constituent part of the election should return results that include full quotes from all of the source documents summarized in this handbook.

For each electoral issue, one or more assessment criteria are provided, drawing from our interpretation of the sources of international law.

Assessment criteria are supported by short summaries of the sources of international law reviewed and included in the EOS database. The statements of obligations are generally not direct quotes from any of the source documents but rather are statements that summarize the content of one or more quotes from the source documents. The excerpts of the instruments on which the summary is based can be found in the EOS database, which also includes the full text of the instruments (when available electronically).
Each of the summary statements is supported by one or more references that support that statement. Although there may be several sources that support the same general principle in the summary, a selection of citations is included in the footnotes, with international and regional treaties given preference in order to reduce duplication and very lengthy citations. For example:

Voter education campaigns are necessary to ensure an informed community is able to effectively exercise their article 25 rights, including the right to be elected.
— U.N. (CCPR), General Comment 25, para. 11

In addition, it should be noted that the summary statement, which is a summary of all the sources regarding that issue included in the EOS database, may not be a direct paraphrase of any single reference source. To review all of the sources that are the basis of each summary statement, the EOS database may be consulted.

An annotated sample page from the following chapters—as well as the icons used throughout the subsequent sections of the handbook—is included here.

To find full quotes from the source documents summarized in this manual, search by key obligations and relevant parts of the electoral process in the Obligations and Standards database.
State practice sources indicate that the electoral system should be entrenched in the constitution, while the form, content, and operation of the adopted system should be elaborated in the electoral act.\(^{241}\)

Participatory rights were protected at the highest level of the law (the constitution). Interpretive sources provide that the protection of participatory rights should be established in laws as high as the constitution.\(^{242}\) This includes the other rights and freedoms pertinent to the electoral process as well as the full body of human rights protected by international and regional law. Any suspension or exclusion of participatory rights is prohibited unless established by law and objective and reasonable.\(^{243}\)

### Derogation of Obligations

**Key Obligations:**
- **State Must Take Necessary Steps to Give Effect to Rights**
- **Rule of Law**

When derogating obligations and/or restricting human rights, the least restrictive measures were taken and no limitations were placed on nonderogable rights. Interpretive sources indicate that even in cases in which rights are derogated, there can be no discrimination on the basis of race, color, sex, language, religion, or social origin, and any limitations must respect the nonderogable nature of certain rights.\(^{244}\) Derogation measures cannot undermine the exercise of rights protected to a greater extent by other international obligations of the state.\(^{245}\)

Political commitments also support a state using the least restrictive means required when applying a limitation to rights.\(^{246}\) Prior to the derogation of human rights and electoral obligations, a state of emergency was publicly announced. Treaty sources indicate that, at times, in a state of emergency, it may be necessary for a state to relax the full protection of human rights and electoral obligations or derogate their obligations.\(^{247}\)

References:

1. CoE (Venice Commision), Code of Good Practice, sec. II.2.b
2. U.N. (CCPR), General Comment 25, para. 5
3. U.N. (CCPR), General Comment 25, para. 4
4. U.N. (CCPR), General Comment 29, para. 8
5. U.N., ICCPR, art. 4(1)
6. U.N. (CESCR), Siracusa Principles, para. A.11
7. U.N., ICCPR, art. 4(1)

Tips provide guidance about how to cross-reference this handbook.

A derogation is a relaxation of adherence to an obligation.

Definitions of key terms are included as needed.

Assessment criteria for the electoral issues are included in each section.

Electoral issues are the topics or subjects relevant to the larger part of the electoral process.

Statements summarizing the sources in the EOS database and on which the assessment criteria are based provide an overview of international law on each electoral issue.

See the Framework section at the beginning of this handbook for more information regarding unreasonable restrictions on electoral rights.
Section 1

Legal Framework

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Right to an Effective Remedy
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

Macro-Level Obligation

- Individual Rights and Freedoms
- Process-Focused Obligations
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A sound legal framework is essential for effective administration of genuine democratic elections. The legal framework includes the rules found in the domestic laws of the country that regulate how all aspects of the electoral process should unfold. These laws may include the constitution; election laws; laws regulating the media, political parties, civil society actors, etc.; and other rules and regulations promulgated by the appropriate authorities such as procedures for election administration. Ideally these laws will be written, will be clear and consistent with one another, and will provide a framework for elections that protects and advances international human rights.

Assessment of the legal framework for an electoral process requires thorough review of the governing laws, rules, and regulations. It is important to understand the content of the legal framework—including the degree to which internationally recognized rights are protected and obligations fulfilled—as well as any gaps in the legal framework that may undermine the process.

The following section of this manual provides guidance on several electoral issues regarding the legal framework. These include issues related to:

• The protection of human rights and fulfillment of obligations as well as any derogation measures
• The role of state authorities, including the EMB, in upholding rights
• The timing of elections and the impact of the electoral calendar on human rights and obligations
• The need for the legal framework to be nondiscriminatory
• The right to an effective remedy

Because the legal framework is also relevant to all other parts of the electoral process, it is important to note that information regarding the legal framework and other aspects of the elections is also included throughout subsequent sections of this manual. A nonexhaustive list of illustrative questions for data collection regarding the assessment criteria included below can be found in Appendix C.
International Human Rights Obligations and the Legal Framework

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The legal framework for elections included the protection of fundamental rights and made international obligations domestically binding.

International treaties oblige states to take the steps necessary to give effect to human rights. This means that where not already provided for by existing legislation or other measures, states must, in accordance with their constitutional processes, adopt legislation or other measures to give effect to human rights. Treaty obligations should be implemented in good faith.

Interpretation for this obligation, i.e., from the Human Rights Committee, has made clear that the state’s obligation requires unqualified and immediate action, including taking various positive measures. These include educating the population and state officials in human rights and the prevention, punishment, investigation, and/or redress of violations of human rights by nonstate actors.

Any restrictions placed on fundamental rights were reasonable and objective.

Interpretive sources note that any suspension or exclusion of participatory rights is prohibited unless the suspension/exclusion is established by law and is objective and reasonable.

Key aspects of the election process were enshrined in law at the highest level (e.g., the electoral system was enshrined in the constitution).

Interpretive sources state that the allocation of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs should be established by the constitution and other laws.

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234 U.N., ICCPR, art. 2; AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, Convention on the Protection of Human Rights and Fundamental Freedoms, art. 1; CIS, Convention on Human Rights and Fundamental Freedoms, art. 1
235 U.N., Vienna Convention on Treaties, art. 26
236 U.N. (CCPR), General Comment 31, para. 14
237 U.N. (CCPR), General Comment 31, para. 7
238 U.N. (CCPR), General Comment 31, para. 8
239 U.N. (CCPR), General Comment 25, para. 4
240 U.N. (CCPR), General Comment 25, para. 5
State practice sources indicate that the electoral system should be entrenched in the constitution, while the form, content, and operation of the adopted system should be elaborated in the electoral act.241

**Participatory rights were protected at the highest level of the law (the constitution).**

Interpretive sources provide that the protection of participatory rights should be established in laws as high as the constitution.242 This includes the other rights and freedoms pertinent to the electoral process as well as the full body of human rights protected by international and regional law. Any suspension or exclusion of participatory rights is prohibited unless established by law and objective and reasonable.243

**Derogation of Obligations**

**Key Obligations:**

- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

When derogating obligations and/or restricting human rights, the least restrictive measures were taken and no limitations were placed on nonderogable rights.

Interpretive sources indicate that even in cases in which rights are derogated, there can be no discrimination on the basis of race, color, sex, language, religion, or social origin, and any limitations must respect the nonderogable nature of certain rights.244 Derogation measures cannot undermine the exercise of rights protected to a greater extent by other international obligations of the state. 245

Political commitments also support a state using the least restrictive means required when applying a limitation to rights.246

Prior to the derogation of human rights and electoral obligations, a state of emergency was publicly announced.

Treaty sources indicate that, at times, in a state of emergency, it may be necessary for a state to relax the full protection of human rights and electoral obligations or derogate their obligations.247

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241 CoE (Venice Commission), Code of Good Practice, sec. II.2 b
242 U.N. (CCPR), General Comment 25, para. 5
243 U.N. (CCPR), General Comment 25, para. 4
244 U.N. (CCPR), General Comment 29, para. 8
245 U.N., ICCPR, art. 4(1)
246 U.N. (CESCR), Siracusa Principles, para. A.11
247 U.N., ICCPR, art. 4(1)
Derogations of rights must be strictly required by the exigencies of the situation.

Political commitments also require the state to publicly announce a state of emergency before any derogation measures are put into place.\footnote{248}{U.N. (CESCR), Siracusa Principles, para. B.42–44} Laws governing states of emergency should provide a prompt and independent review by the legislature of the necessity of derogation measures.\footnote{249}{U.N. (CESCR), Siracusa Principles, para. C.55}

Any restrictions on rights were justified by law and subject to review.

Political commitments further state that any restriction of rights must be justified by law and subject to review.\footnote{250}{U.N. (CESCR), Siracusa Principles, para. E.62}

**Rule of Law and the Legal Framework**

**Key Obligations:**

- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law when establishing the legal framework for elections.\footnote{251}{U.N., UNCAC, art. 5 (1); AU, ACDEG, art. 52B; CoE, Convention on the Protection of Human Rights and Fundamental Freedoms, Preamble; CIS, Convention on Human Rights and Fundamental Freedoms, Preamble}

Political commitments and state practice sources with regard to the rule of law in the legal framework for elections indicate that a state should:

- Have a single body of electoral laws.\footnote{252}{OSCE (ODIHR), Legal Framework (Ed. 1), p. 6} When electoral legislation exists at different levels of the law, it is important that such legislation does not conflict and that clear and precise regulations and administrative instructions for the electoral process are laid out.\footnote{253}{OSCE (ODIHR), Legal Framework (Ed. 1), p. 5–6; U.N., Human Rights and Elections, para. 131}
- Promote public participation in decision making.\footnote{254}{OAS, IADC, art. 2}
- Provide the law for public review in the official languages of the country.\footnote{255}{EISA and ECF of SADC Countries, PEMMO, p. 9; OSCE (ODIHR), Domestic Election Observers, p. 36}

The legal framework for elections was stable.

Regional treaties state that steps should be taken to ensure that no substantial change to the electoral law is made within the six
months prior to the election without the consent of a majority of political actors.256

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties have stated that the rule of law requires that all are equal before the law,257 and laws are equally enforced.258 Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources further state that the rule of law requires that:

• Laws and procedures are not arbitrarily applied.259
• Laws are publicly promulgated and available for review.260

Sanctions for violations of the electoral law were proportionate, appropriate, and effectively enforced.

International treaties state that sanctions related to the violation of rights and freedoms, when necessary, should be proportionate, appropriate, and effectively enforced.261

State practice sources make this explicit for violations of electoral law.262

State Authorities Responsible for Upholding Rights

Key Obligations:

● **State Must Take Necessary Steps to Give Effect to Rights**

All branches of the government are responsible for protecting human rights, including those responsible for administering election processes.

Regional treaties indicate that states should ensure transparency in the management of public affairs.263

Interpretive sources state that all branches of the government — and other public or governmental authorities — are responsible for giving effect to and protecting human rights.264 This includes the electoral management body, the government, the police, the security services, etc. Interpretive sources also suggest that states should

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256 ECOWAS, Protocol, art. 2(1)
257 U.N., ICCPR, art. 26; OAS, ACHR, art. 24; AU, African Charter on Human Rights and Fundamental Freedoms, art. 20(1); EU, Charter on Fundamental Rights, art. 20
258 U.N., ICCPR, art. 26
259 U.N. (CCPR), General Comment 25, para. 4
260 OSCE (ODIHR), Legal Framework (Ed. 1), p. 6
261 AU, ACDEG, art. 17; U.N. (CCPR), General Comment 31, para. 4
262 U.N., Human Rights and Elections, para. 118
263 AU, ACDEG, at. 3(8); ECOWAS, Protocol on DGG, art. 34(2)
264 U.N. (CCPR), General Comment 31, para. 4
provide education on human rights among public officials and the population at large.265

**Authority and Responsibility of the Electoral Management Body in Interpreting the Law**

**Key Obligations:**
- **Rule of Law**

The role of the electoral management body in interpreting and administering the election law was clearly defined in the legal framework.

State practice sources recommend that the roles and responsibilities of various state bodies in interpreting and administering the law be clear. In particular, the role of the electoral management body should be defined by law to ensure the EMB can interpret election laws but not in a way that undermines the legislative process.266

**Regularity of Elections**

**Key Obligations:**
- **Periodic Elections**
- **State Must Take Necessary Steps to Give Effect to Rights**

Elections have been held periodically.

International and regional treaties require that elections be held at periodic intervals.267 The will of the people can only be expressed through genuine and periodic elections.

**The period between elections was not unduly long.**

Interpretive sources state that the obligation to hold periodic elections has been understood to mean that the interval between elections should not be unduly long, such that the authority of the government is no longer representative of the will of the electors.268 Citizen participation in genuine periodic elections is essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them.269

State practice sources suggest that elections should not only be periodic but also should be held at regular intervals. Many states schedule elections every two-five years (depending on the office).270

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265 U.N. (CCPR), General Comment 31, para. 7
266 OSCE (ODIHR), Legal Framework (Ed.1), p. 6
267 U.N., ICCPR, art. 25(b); ACHR, art. 23; AU ACDEG, art. 3(4)
268 U.N. (CCPR), General Comment 25, para. 9
269 U.N. (CCPR), General Comment 25, para. 9
270 CoE (Venice Commission), Code of Good Practice, sec. 16
Postponement of Elections

*Key Obligations:*

- **Periodic Elections**

The legal framework only allowed for temporary postponement of the election in times of declared public emergency.

International and regional treaties state that while temporary postponement of an election due to public emergency is permitted, the postponement must be deemed necessary in the circumstances and should not be contrary to the state’s obligation under international law.\(^{271}\) Long postponements of elections are likely counter to the international obligation to allow citizens to hold their government accountable.

Election Calendar and the Enjoyment of Rights

*Key Obligations:*

- **State Must Take Necessary Steps to Give Effect to Rights**

The legal framework included a realistic electoral calendar that allowed adequate time to successfully implement all aspects of the election.

International and regional treaties obligate states to give effect to human rights,\(^{272}\) including when planning the electoral process.

State practice sources suggest that electoral calendars must allow for all aspects of an election to be carried out effectively, including providing sufficient time for all necessary administrative, legal, training, and logistics arrangements to be made.\(^{273}\) These same sources indicate that the calendar should be made public.

The legislative calendar related to the development of electoral laws was published well in advance of deadlines.

Other sources further indicate that any legislative calendars related to the development of electoral laws should be published well in advance of the election so that all concerned citizens, organizations, and parties can be prepared to represent their interests.\(^{274}\)

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\(^{271}\) U.N., ICCPR, art. 4

\(^{272}\) U.N., ICCPR, art. 2

\(^{273}\) U.N., Human Rights and Elections, para. 75

\(^{274}\) Merloe, Promoting Legal Framework, p. 38
Freedom From Discrimination in the Legal Framework

Key Obligations:
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The legal framework for elections did not include provisions that discriminate on the basis of prohibited grounds.

International and regional treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\textsuperscript{275} The state must perform both its “negative duty” to refrain from discrimination and its “positive duty” to prevent discrimination.\textsuperscript{276}

Interpretive sources note that the legal framework for elections should protect this right and should not itself be discriminatory.\textsuperscript{277}

Minorities were able to use their own language(s).

Treaty sources provide that where linguistic minorities exist, those that belong to such minorities should not be denied the right to use their own language.\textsuperscript{278}

The legal framework for elections included guarantees of equality before the law.

International and regional treaties also state that all are equal before the law.\textsuperscript{279}

Interpretive sources clarify that in addition to the obligation not to discriminate in the protection and promotion of other rights, all are equal before the law and should enjoy the equal protection of the law.\textsuperscript{280}

The legal framework provided equal access to any place or service intended for use by the public.

Treaty sources recognize that everyone has the right of equal access to any place or service intended for use by the public.\textsuperscript{281} States should not discriminate with regard to access to public places or services by citizens, including those participating in the electoral process. This includes citizen access to public places such as polling stations.

\textsuperscript{275} U.N., ICCPR, art. 2; U.N., CRPD, art. 2; AU, ACHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32
\textsuperscript{276} U.N. (CCPR), General Comment 28, para. 21
\textsuperscript{277} U.N. (CCPR), General Comment 28, para. 21
\textsuperscript{278} U.N., ICCPR, art. 27
\textsuperscript{279} U.N., ICCPR, art. 26; AU, ACHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Freedoms, art. 20; CIS, Convention on Human Rights and Fundamental Freedoms, art. 20(1); LAS, Arab Charter, art. 3
\textsuperscript{280} U.N. (CCPR), General Comment 28, para. 21
\textsuperscript{281} U.N., ICERD, art. 5(f)
Citizenship

Key Obligations:
● Freedom From Discrimination and Equality Before the Law
● Equality Between Men and Women
● Rule of Law

The rules regarding citizenship were clear and nondiscriminatory.

International treaties make an explicit link between citizenship and the enjoyment of participatory rights.\(^{282}\) While everyone has the right to a nationality,\(^{283}\) states may regulate the law concerning nationality, citizenship, or naturalization, but they may not discriminate against any particular nationality in doing so.\(^{284}\)

Interpretive sources note that distinctions between those who attain citizenship by birth or by naturalization may be discriminatory.\(^{285}\)

Other sources support the requirement that the process for attaining citizenship should be clearly defined and nondiscriminatory.\(^{286}\)

Citizenship rules did not discriminate directly or indirectly against women.

International treaties make it clear that citizenship rules should not discriminate against women; for example, when attaining or conferring citizenship for spouses or children.\(^{287}\)

The Legal Framework and Men and Women

Key Obligations:
● Equality Between Men and Women

The legal framework for elections included guarantees of equality before the law for men and women.

International and regional treaties are very clear that men and women should enjoy equal rights.\(^{288}\) The legal framework should ensure that the equal rights of men and women are upheld throughout the electoral process, while the framework itself is not either directly or indirectly discriminatory.

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282 U.N., ICCPR, art. 25  
283 U.N., UDHR, art. 15  
284 U.N., ICERD, art. 1(3)  
285 U.N. (CCPR), General Comment 25, para. 3  
286 U.N., Recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation, para. 26  
287 U.N., CEDAW, art. 9(1)  
288 U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); EU, Charter on Fundamental Rights, art. 23
Special Measures

Key Obligations:
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- State Must Take Necessary Steps to Give Effect to Rights

The state took steps to ensure de facto equality between men and women.

Treaty sources make clear that women should enjoy equal rights to men, and that in some cases, states should take temporary special measures to achieve de facto equality for women.

Interpretive sources indicate that temporary special measures to achieve de facto equal representation for women can include financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, targeting women for appointment to public positions, or using quotas to ensure female participation in public affairs. Interpretive sources also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory.

Special measures were taken, as necessary, to promote equality for minorities.

International treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken and should not be considered discriminatory when the circumstances warrant the measures. These measures should not be maintained after the objectives for which they were taken are met and should not result in the maintenance of unequal rights for different groups.

Special measures were taken to ensure de facto equality for people with disabilities.

International treaties oblige states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability. Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory. Other treaty sources also call on states to recognize that women and girls with disabilities are subject to multiple discrimination.

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289 U.N., ICCPR, art. 3
290 U.N., CEDAW, art. 3
291 U.N. (CEDAW), General Recommendation 23, para. 15
292 U.N. (CCPR), General Comment 28, para. 29
293 U.N., ICERD, art. 1(4)
294 U.N., ICERD, art. 1(4)
295 U.N., CRPD, art. 4
296 U.N., CRPD, art. 5(4)
297 U.N., CRPD, art. 6(1)
Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected. 298

The Right to an Effective Remedy, Including Challenging Election Results

**Key Obligations:**
- Right to an Effective Remedy
- Rule of Law

The legal framework provided citizens with an effective (timely and enforceable) remedy throughout the electoral process.

International and regional treaties establish that everyone has the right to an effective remedy before a competent national tribunal for acts that violate their rights or freedoms. 299 The right to an effective remedy is fundamental to ensuring all other human rights may be fulfilled. As such, the right to an effective remedy is applicable wherever other fundamental human rights are considered and throughout the electoral process. Also the right to remedy must be recognized in the legal framework.

Regional treaties link the right to remedy to the conduct of elections and the announcement of results. 300 They also state that remedies, when granted, should be effective. Effective redress requires that disputes must be dealt with in a timely manner 301 and that states must enforce the remedy when granted. 302

Interpretive sources note that not only is cessation of a violation an essential element of an effective remedy, 303 it also prevents recurrence of the violation. 304 Such sources also indicate that an effective remedy requires reparation and, at times, may require states to take interim measures. 305

The legal framework for elections included the right to challenge the election results as necessary.

Political commitments reinforce the need for the right to challenge election results to be provided by law. 306

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298 U.N. (CRPD), Concluding Observations, Hungary (2012), para. 26
299 U.N., ICCPR, art. 2(3); OAS, ACHR, art.25(1); CoE, Convention on the Protection of Human Rights and Fundamental Freedoms, art. 13
300 AU, ACDEG, art. 17(2); ECOWAS, Protocol on DGG, art. 7
301 AU, ACDEG, art. 17 (2)
302 U.N., ICCPR, art. 2(3)
303 U.N. (CCPR), General Comment 31, para. 15
304 U.N. (CCPR), General Comment 31, para. 17
305 U.N. (CCPR), General Comment 31, paras. 16 and 19
306 SADC, Principles and Guidelines, para. 2.1.10
Section 2

Electoral System and Boundary Delimitation

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Right and Opportunity to Participate in Public Affairs
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Right to an Effective Remedy
- Equal Suffrage
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

Macro-Level Obligation

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The electoral system and boundary delimitation process are very important elements of the electoral process. Because they are intrinsically linked, for the purposes of the EOS database and this manual, they are combined into one constituent part.

Electoral system is the system used to convert the number of votes cast into political mandates that ensure the electorate can hold its representatives accountable. There are a wide variety of electoral systems that can be used in electoral processes, and each has consequences for the final composition of the elected body. Electoral systems can be categorized into three main “families.”

- Plurality/majoritarian systems in which the candidate or parties with the most votes are considered the winners. Examples of plurality/majority systems include first past the post, block vote, party block vote, alternative vote, and two-round electoral systems.

- Proportional representation systems in which parties receive approximately the same share of the seats as the votes cast. Proportional representation systems are List PR systems or single-transferrable-vote systems.

- Mixed systems in which plurality/majoritarian systems run alongside one another in an attempt to have the best aspects of each system.

While public international law does not prescribe the electoral system to be used, it does provide some guidance on the need for inclusiveness and transparency of the system chosen as well as the need for any system to uphold fundamental human rights and freedoms.

Boundary delimitation is the process for determining the boundaries of electoral districts as well as the process for determining the number of elected seats per constituency. Boundary delimitation is an important means of ensuring equality in the weight of votes as well as representation in the electoral body, particularly with shifts in the size and makeup of voting populations.

The electoral system in use will determine how districts are delimited. In plurality or majority systems, the number of seats that a party receives is dependent not only on the party’s share of votes cast but also where those votes were cast. Delimitation for plurality or majority systems, therefore, requires review of geographic boundaries in order to adapt to changes in population. The drawing of boundaries in such systems can become very political and can alter the composition of the elected body to be more or less inclusive. In both plurality and proportional representation systems, shifts in population can be addressed by changing the number of seats allocated to districts. In mixed systems, both redrawing of
districts and the allocation of seats can be undertaken as needed to address population changes.

Although decisions regarding the electoral system and the process of boundary delimitation often occur far in advance of many election assessments, understanding the degree to which they fulfill international obligations is an important step in reaching an overall evaluation of the electoral process. In some cases the electoral system and boundary delimitation processes may be important determinants of whether the process is inclusive. Because these processes occur in advance of the arrival of many international observation missions, assessment and analysis may require post hoc evaluation. For citizen observers, observation of these processes as they occur may be a real possibility.

The following section of the manual provides guidance on several electoral issues including those related to:

• The legal framework for the electoral system and boundary delimitation
• The choice of the electoral system
• Criteria for and public participation in boundary delimitation
• Nondiscrimination and the right to an effective remedy in the context of both the electoral system and boundary delimitation

A nonexhaustive list of illustrative questions for data collection regarding the assessment criteria outlined are included in Appendix C.

The Legal Framework for Electoral Systems and Boundary Delimitation

Key Obligations:

- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law.\textsuperscript{307} The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.\textsuperscript{308}

\textsuperscript{307} U.N., UNCAC, art. 5; AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble

\textsuperscript{308} UNGA, Millenium Declaration; UNGA, Resolutions on the Rule of Law; OAS, IADC, arts. 3 and 4; OSCE, Copenhagen Document, para. 3
The laws regulating elections were equally enforced and were not arbitrarily applied.

Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights. International treaties have stated that the rule of law requires that all are equal before the law\textsuperscript{309} and that laws are equally enforced.\textsuperscript{310}

Interpretive sources add that rule of law requires that laws and procedures are not arbitrarily applied.\textsuperscript{311}

The legal framework for elections was consistent with international human rights.

International treaties require, as a means of adhering to rule of law, that the legal framework be consistent with international human rights obligations.\textsuperscript{312}

Interpretive sources add that suspension or exclusion of participatory rights is prohibited except on grounds established by law that are reasonable and objective.

There were clear legal provisions regarding the electoral system and boundary delimitation.

State practice sources indicate that the fundamental aspects of the electoral law, including those regarding the electoral system and delimitation of boundaries, should be clearly stated in the law\textsuperscript{313} and enshrined in the constitution or at a level higher than ordinary law.\textsuperscript{314} In addition, other state practice sources indicate that electoral legislation should be made widely available to the public for review.\textsuperscript{315}

Other state practice sources maintain that electoral processes (including the electoral system and boundary delimitation) must be subject to the rule of law rather than to decisions of the current government or a single party.\textsuperscript{316}

\textsuperscript{309} U.N., ICCPR, art. 26
\textsuperscript{310} U.N., ICCPR, art. 26
\textsuperscript{311} U.N. (CCPR), General Comment 25, para. 4
\textsuperscript{312} U.N., ICCPR, art. 2(3)(a); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
\textsuperscript{313} CoE (Venice Commission), Code of Good Practice, sec. I.2.2.13
\textsuperscript{314} CoE (Venice Commission), Code of Good Practice, sec. II.2.b
\textsuperscript{315} OSCE (ODIHR), Legal Framework (Ed. 1), p. 6
\textsuperscript{316} U.N., Human Rights and Elections, para. 78
Oversight of Boundary Delimitation

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights

The state took the steps necessary to give effect to rights regarding the boundary delimitation process and the electoral system through effective oversight mechanisms.

State practice sources suggest that redistricting be conducted according to a method established by law that regulates the frequency of and criteria for such a process; the degree of public participation in it, the role of stakeholders in it, and the authority structure for conducting the boundary delimitation processes.317

Some state practice sources also indicate that boundary delimitation should not be manipulated to favor particular groups,318 and delimitation techniques designed to discount the votes of particular groups or geographic areas should be prohibited.319 State practice sources suggest that boundary delimitation should be managed by an independent and impartial body.320

Choice of the Electoral System

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The electoral system allowed multiparty participation and actual and equal representation.

States are obligated by international and regional treaties to take the steps necessary to give effect to human rights.321 This obligation applies to the entire electoral process and all electoral rights. States must take steps to ensure that laws are consistent with international human rights.

Interpretive sources add that all branches of government and other public or governmental authorities are responsible for meeting this obligation.322

Interpretive sources also make clear that while no electoral system is prescribed by international law, any system chosen should be

317 CoE (Venice Commission), Code of Good Practice, sec. 1.2.2.vii
318 EISA and ECF of SADC Countries, PEMMO, p. 13
319 U.N., Human Rights and Elections, para. 103
321 U.N., ICCPR, art. 2(2); ALU, ACHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
322 U.N. (CCPR), General Comment 25, para. 4
consistent with international obligations and should be clearly stated in law.\textsuperscript{323} The electoral system should support multiparty participation.\textsuperscript{324} Proportionate representation of citizens of all ethnic origins is to be encouraged,\textsuperscript{325} and electoral systems should support direct elections.\textsuperscript{326}

Interpretive sources also indicate that electoral systems should ensure actual and equal representation in elected bodies.\textsuperscript{327} Interpretive sources add that elected representatives should be able to exercise governmental power.\textsuperscript{328}

The legal framework defined the formulas to be used to convert votes into mandates.

Other sources, indicative of state practice, state that the rules for the election should clearly define the electoral formula to be used to convert votes into mandates as well as the electoral timeline for the announcement and certification of results.\textsuperscript{329}

The electoral system was enshrined in law at the highest level (e.g., the constitution).

Other sources, indicative of state practice, add that the means by which citizens participate in public affairs, such as the electoral system, should be enshrined in the constitution or other similar high-level law.\textsuperscript{330}

Criteria for Boundary Apportionment

\textit{Key Obligations:}

- \textit{Freedom From Discrimination and Equality Before the Law}
- \textit{Equal Suffrage}
- \textit{State Must Take Necessary Steps to Give Effect to Rights}

Each vote was of equal weight.

International and regional treaties state that elections must respect equal suffrage.\textsuperscript{331} Equal suffrage is an essential element of a genuine election and is recognized as such at the international and regional level.

\textsuperscript{323} U.N. (CCPR), General Comment 25, para. 21
\textsuperscript{324} U.N. (CCPR), Concluding Observations on Uganda (2004), para. 22
\textsuperscript{325} U.N. (CERD), Concluding Observations, Jordan (2012), para. 13
\textsuperscript{326} U.N. (CCPR), Concluding Observations on Hong Kong (1995), paras. 408–435
\textsuperscript{327} U.N. (CCPR), Concluding Observation on the United States, (2006), para. 36
\textsuperscript{328} U.N. (CCPR), General Comment 25, para. 7
\textsuperscript{329} CoE (Venice Commission), Code of Good Practice, Sec. II.2 b
\textsuperscript{330} U.N. (CCPR), General Comment 25, para. 5
\textsuperscript{331} U.N., ICCPR, art. 25; OAS, ACHR, art. 23; CIS, Convention on Democratic Elections, art. 2(1)(a) U.N., UDHR, art. 21(3)
Where variances occurred between the number of voters in various constituencies, they were small.

Interpretive sources add that equal suffrage and the “one person, one vote” rule require that constituency boundaries be drawn so that voters are represented in the legislature on a (roughly) equal basis.\textsuperscript{332} Although equal suffrage is best achieved by assigning the same number of voters to each representative,\textsuperscript{333} it may be achieved through boundary assignment based on specific apportionment criteria. While true equality in delimitation may not always be possible, other sources state that variances should rarely exceed 10 percent.\textsuperscript{334}

The apportionment criteria were publicly available and included details such as the number of residents, number of registered voters, number of actual voters, or a combination thereof.

Other sources indicative of state practice say that equal suffrage may be achieved through apportionment criteria based on a number of criteria, which can include the number of residents, number of resident nationals (including minors), number of registered voters, number of actual voters, or a combination thereof.\textsuperscript{335} Boundary assignment may also take into account geographical criteria or administrative or historical boundary lines.\textsuperscript{336} While true equality in delimitation may not always be possible, other sources state that variances should rarely exceed 10 percent.\textsuperscript{337}

**Citizen Participation in the Boundary Delimitation Process**

**Key Obligations:**

- **Right and Opportunity to Participate in Public Affairs**

  The right to participate in public affairs was protected, including during the boundary delimitation process.

  International and regional treaties protect the right of all people to participate in the public affairs of their country.\textsuperscript{338} The right and opportunity to participate in public affairs are a widely recognized obligation in public international law. Not only does it include the rights to vote and to be elected, it also includes the right of citizens to participate in nongovernmental organizations\textsuperscript{339} and the ability of citizens to participate in citizen observation organizations. Women

\textsuperscript{332} U.N. (CCPR), General Comment 25, para. 21; U.N. (CCPR), Istvan Matyas v Slovakia, (2002), 2.2

\textsuperscript{333} U.N. (CCPR), General Comment 25, para. 21

\textsuperscript{334} CoE (Venice Commission), Code of Good Practice, sec. 1.2.2.15

\textsuperscript{335} CoE (Venice Commission), Code of Good Practice, sec. 1.2.2.13

\textsuperscript{336} CoE (Venice Commission), Code of Good Practice, sec. 1.2.2.14; EISA and ECF of SADC Countries, PEMMO, p. 13

\textsuperscript{337} CoE (Venice Commission), Code of Good Practice, sec. 1.2.2.15

\textsuperscript{338} U.N., ICCPR, art. 25; AU, ACHPR, art. 13(1); OAS, ACHR, art. 23(1)(a)

\textsuperscript{339} U.N., CEDAW, art. 7(b)
as well as men have the right to participate in the public affairs of their country.\(^{340}\)

The boundary delimitation process was subject to independent scrutiny by civil society, candidates and political parties, or other groups.

State practice sources indicate that public participation should extend to the boundary delimitation process.\(^{341}\) Other state practice sources indicate that candidates’ agents should be guaranteed access to monitor all aspects of the electoral process, including ballot production, boundary delimitation, and voter registration.\(^{342}\)

**Freedom From Discrimination in the Electoral System and Boundary Delimitation Process**

**Key Obligations:**
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The electoral system did not discriminate against citizens on grounds prohibited by international law.

Treaty obligations prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, geographic region of residence, birth, or other status.\(^{343}\) In addition, international treaties are clear that all are equal before the law and should enjoy the equal protection of the law.\(^{344}\)

Interpretive sources add detail, saying that the state is obligated to perform both its “negative duty” to refrain from discriminating and its “positive duty” to prevent discrimination.\(^{345}\) This includes state actions affecting the electoral system and boundary delimitation process.

**Special Measures**

**Key Obligations:**
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- State Must Take Necessary Steps to Give Effect to Rights

\(^{340}\) U.N., ICCPR, art. 25(a)

\(^{341}\) CoE (Venice Commission), Code of Good Practice, sec. i.2.vii

\(^{342}\) SADC, Principles and Guidelines Governing Democratic Elections, para. 7.8

\(^{343}\) U.N., ICCPR, art. 2; U.N., CRPD, art. 2; AU, ACHPR, art. 1; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CCPR), General Comment 20, para. 32

\(^{344}\) U.N., ICCPR, art. 26; AU, ACHPR, art. 8; OAS, ACHR, art. 24; CIS, Convention on Human Rights, art. 20(1)

\(^{345}\) U.N. (CCPR), General Comment 25, para. 21
The state took steps to ensure de facto equality between men and women.

Treaty sources make clear that women should enjoy equal rights to men and that, in some cases, states should take temporary special measures to achieve de facto equality for women.

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, and targeting women for appointment to public positions or the use of quotas to ensure female participation in public affairs. It is important that any measures used are effective. Interpretive sources indicate that states should consider implementing a system of alternation of female and male candidates on party lists. Other interpretive sources indicate that measures taken to ensure equitable representation of women should not be considered discriminatory.

Other state practice sources highlight the special responsibility of electoral management bodies to ensure that women participate in the electoral process.

Special measures were taken, as necessary, to promote equality for minorities.

International treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken when the circumstances warrant, and they should not necessarily be considered discriminatory. These measures should not be maintained after the objectives for which they were taken are met and should not result in the maintenance of unequal rights for different groups.

Other state practice sources point out that special measures such as the use of quotas or reserved seats may be used to ensure minority participation or representation. When seats are reserved for minorities, members of minority groups may have the right to vote for both a minority representative with a reserved seat and a general nonminority representative. State practice sources also state that electoral management bodies should ensure that minorities participate in the electoral process.

346 U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); EU, Charter on Fundamental Rights, art. 23
347 U.N., CEDAW, art. 3
348 U.N. (CEDAW), General Recommendation 23, para. 15
349 U.N. (CEDAW), Concluding Remarks on Costa Rica (2003), para. 59
350 U.N. (CCPR), General Comment 28, para. 29
351 International IDEA, Code: Election Administration, para. 6
352 U.N., ICERD, art. 1(4)
353 U.N., ICERD, art. 1(4)
354 U.N. (CCPR), Concluding Observations, Hungary (2010), para. 20
357 International IDEA, Code: Election Administration, para. 6
Special measures were taken to ensure de facto equality for people with disabilities.

Treaty sources obligate states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability.\(^{358}\) Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory.\(^{359}\) Other treaty sources obligate states to recognize that women and girls with disabilities are subject to multiple discrimination.\(^{360}\) Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected.\(^{361}\)

Quotas for groups other than those whose interests are protected by special measures were regulated so as not to promote inequality among voters.

Interpretive sources indicate that quotas for groups other than those whose interests are protected by special measures (e.g., quotas for occupational groups like farmers or workers) should be the subject of scrutiny to ensure that they do not promote inequality.\(^{362}\)

The Election Calendar and Enjoyment of Rights

**Key Obligations:**
- Equal Suffrage
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights

The election calendar provided sufficient time for a review of the boundaries to take place as necessary.

International and regional treaties obligate states to give effect to human rights,\(^{363}\) including during planning of the electoral process.

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Refer to the Electoral Dispute Resolution section of this handbook for more information.

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\(^{358}\) U.N., CRPD, art. 4
\(^{359}\) U.N., CRPD, art. 5(4)
\(^{360}\) U.N., CRPD, art. 6(1)
\(^{361}\) U.N. (CRPD), Concluding Observations, Hungary (2012), para. 26
\(^{362}\) U.N. (CCPR), Concluding Observations on Hong Kong, paras. 408–435
\(^{363}\) U.N., ICCPR, art. 2; AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
State practice sources suggest that when scheduling elections, adequate time be allowed to successfully implement other necessary parts of the election, such as boundary delimitation. Other state practice sources highlight the importance of frequent boundary delimitation, ensuring quality of voting rights, and suggest that the review of boundaries should take place sufficiently in advance of the election to avoid instability.

**Right to an Effective Remedy**

**Key Obligations:**

- **Right to an Effective Remedy**

There was an effective means of seeking redress for violations concerning boundary delimitation and the electoral system.

International and regional treaties establish that everyone has the right to an effective (timely and enforceable) remedy before a competent tribunal for acts that violate their rights or freedoms. The right to an effective remedy is fundamental to ensuring all other human rights may be fulfilled. It extends to all parts of the electoral process, including electoral system and boundary delimitation.

Other state practice sources suggest that boundary delimitation requires remedies that sufficiently equalize the ratio between population and representation and/or ensure that constituencies as drawn do not discriminate.

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364 U.N., Human Rights and Elections, para. 75
365 CoE (Venice Commission), Code of Good Practice, sec. I.2.2.v
366 CoE (Venice Commission), Code of Good Practice, sec. II.2.b
367 U.N., ICCPR, art. 2(3); AU, ACDEG, art. 17(2); OAS, ACHR, art. 25(1); CoE, ECHR, art. 13
368 Merloe, Promoting Legal Frameworks, p. 51
Section 3

Election Management

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Freedom of Movement
- Transparency and Access to Information
- Right to Security of the Person
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Right to a Fair and Public Hearing
- Right to an Effective Remedy
- Periodic Elections
- Prevention of Corruption
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law
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A n independent and impartial body charged with implementing elections is an important means of ensuring the integrity of the electoral process. An effective electoral management body (EMB), responsible for implementing much of the electoral process, can enable the participation of voters and protect the democratic process. The EMB can be responsible for, among other things, voter education, voter registration, polling operations, counting and tabulation, and settlement of some electoral disputes. The exact composition and responsibilities of an EMB vary greatly from country to country, and these decisions clearly fall within the margin of appreciation of the state. However, the requirement that the body uphold national law and advance electoral rights is universal.

Given the role of the EMB as the primary implementer of the electoral process, and its responsibility for ensuring that the process adheres to national law, election assessments must include an evaluation not only of the EMB’s actions but also of its makeup and internal processes. This evaluation, in conjunction with assessments of the body’s role in implementing the rest of the process, will help establish the degree to which the election was administered fairly and impartially.

The following section of the manual addresses the role, function, and responsibilities of the electoral management body in the electoral process and provides guidance on several electoral issues, including:

• The legal framework for election management
• Independence and impartiality
• Transparency, access to information, and the EMB
• The EMB and nondiscrimination
• The right to an effective remedy

Other chapters of the manual address the implementation of the electoral process. A nonexhaustive list of illustrative questions for data collection on assessment criteria is included in Appendix C.
The Legal Framework and Election Management

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The electoral management body acted in conformity with the law.

Political commitment sources recommend that the election administration body should act in conformity with the law.\(^{369}\)

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties sources state that the rule of law requires that all are equal before the law\(^{370}\) and laws are equally enforced.\(^{371}\) Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources indicate that laws and procedures must not be arbitrarily applied by state bodies, including by the EMB.\(^{372}\) Suspension or exclusion of participatory rights is prohibited except on objective grounds established by law.

The legal framework for elections was consistent with international human rights.

Treaty sources provide that states should take measures to promote the principles of the rule of law.\(^{373}\) The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.\(^{374}\)

International treaties require that the legal framework be consistent with international human rights obligations.\(^{375}\)

The authority of the electoral management body was recognized by key stakeholders.

Political commitment sources suggest that everyone participating in the election should recognize the authority of the election commission.\(^{376}\)

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\(^{369}\) U.N., Declaration on Rights and Responsibilities, art. 11
\(^{370}\) U.N., ICCPR, art. 26; AU, AFCHPR, art. 10(3); OAS, ACHR, art. 24; CIS, Convention on Human Rights, art. 20(1); EU, Charter on Fundamental Rights, art. 20
\(^{371}\) U.N., ICCPR, art. 26
\(^{372}\) U.N. (CCPR), General Comment 25, para. 4
\(^{373}\) U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32.8; CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble
\(^{374}\) UNGA, Millennium Declaration; UNGA Resolutions on the Rule of Law; OAS, IADC, arts. 3 and 4; OSCE, Copenhagen Document, para. 3
\(^{375}\) U.N., ICCPR, art. 2
\(^{376}\) AU, Declaration on the Principles Governing Elections, art. IV(13)
The Election Calendar and the Enjoyment of Rights

Key Obligations:
● State Must Take Necessary Steps to Give Effect to Rights

An electoral management body implemented elections with adequate time to implement all parts of the electoral process. International treaties obligate the state to safeguard and fulfill human rights. In the context of the rights to vote and be elected, this requires the state to implement electoral processes.

State practice sources suggest that when scheduling elections, adequate time is allowed to successfully administer the electoral process.

Electoral Management Body Responsibility for Protection of Rights

Key Obligations:
● State Must Take Necessary Steps to Give Effect to Rights

The electoral management body took steps to implement an electoral process that fulfilled and protected human rights. International and regional treaties obligate the state to take the steps necessary to safeguard human rights.

Interpretive sources add that branches of the government and other public or governmental authorities, including the EMB, are responsible for meeting this obligation.

Steps were taken to institutionalize efficient and effective public administration.

Regional treaties maintain that states should take steps to institutionalize good governance through accountable, efficient, and effective public administration and should ensure transparency in the management of public affairs including elections.

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377 U.N., ICCPR, art. 2; AU, AfCHPR, art. 1; OAS, ACHR, art. 2
378 U.N., Human Rights and Elections, para. 75
379 U.N., ICCPR, art. 2; AU, AfCHPR, art. 1; OAS, ACHR, art. 2
380 U.N. (CCPR), General Comment 31, para. 4
381 AU, ACDEG, art. 32(1)
382 ECOWAS, Protocol, art. 34(2); CIS, Convention on Democratic Elections, art. 7(1–2)
Independence and Impartiality of the Electoral Management Body

**Key Obligations:**
- Freedom From Discrimination and Equality Before the Law
- Prevention of Corruption
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

There was an independent and impartial electoral management body.

Regional treaties are increasingly making explicit reference to the need for an independent and impartial electoral management body.  

Further, interpretive sources add that basing access to public service on equal opportunity, general principles of merit, and secure tenure ensures that people holding public service positions are free from political interference.

State practice sources suggest that the impartiality of election management bodies should be ensured at all levels, from the national commission to the polling station.

The electoral management body acted impartially in the administration of the election.

Regional treaties also state that an electoral management body should be impartial in the performance of their public function and that this encourages public confidence in the body.

The electoral management body had sufficient resources to implement all phases of the election process.

Regional treaties state that sufficient funding and resources should be provided for the conduct of an electoral process that is free from interference from any other electoral stakeholders.

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383 CIS, Convention on Democratic Elections, art. 19(1); AU, ACDEG, art. 17(1); ECOWAS, Protocol, art. 3; U.N. (CCPR), General Comment 25, para. 20
384 U.N. (CCPR), General Comment 25, para. 24
385 CoE (Venice Commission). Code of Good Practice, sec. II.3.1.b
386 AU, ACDEG, art. 17 (1)
387 ECOWAS, Protocol, art. 3
388 AU, ACDEG, art. 15 (4)
Recruitment of Electoral Management Body Staff

**Key Obligations:**
- **Freedom From Discrimination and Equality Before the Law**
- **Prevention of Corruption**
- **State Must Take Necessary Steps to Give Effect to Rights**

The recruitment and appointment of electoral management body staff were transparent, efficient, and equitable and instilled public confidence in the body.

International and regional treaties are clear that states must take measures to prevent corruption. Particularly relevant to the election management process, states must ensure transparency, efficiency, and equity in the recruitment of officials. To ensure access to public employment in general terms of equality, the criteria and processes for appointment, promotion, suspension, and dismissal must be objective and reasonable.

Treaties add that affirmative measures may be taken, as appropriate, to ensure that there is equal access to public service for all citizens.

Interpretive sources indicate that transparent recruitment can be a valuable means to ensure public confidence in the management body. Further, interpretive sources add that basing access to public service on equal opportunity, general principles of merit, and secure tenure ensures that people holding public service positions are free from political interference.

State practice sources indicate that recruitment of EMB staff should be transparent, efficient, and equitable. This may require that there be consensus among the parties represented in parliament.

The appointment to and membership of the electoral management body were regulated by law.

To deter corruption, interpretive sources suggest that bodies appointing members of electoral commissions should be unable to dismiss them at will.

State practice sources suggest that laws regulating the membership of the electoral commission should be enshrined in the constitution or at another level above ordinary law.

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389 U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 18
390 U.N., UNCAC, art. 7(1)(a); OAS, Convention Against Corruption, art. III(4); AU, Convention On Corruption, art. 7(4)
391 U.N. (CCPR), General Comment 32, para. 19
392 U.N., ICCPR, art. 25(c); AU, AfCHPR, art. 13(2); OAS, ACHR, art. 23(1)(c)
393 U.N. (CCPR), General Comment 31, para. 7
394 U.N. (CCPR), General Comment 25, para. 24
396 U.N. (CCPR), General Comment 25, para. 24
397 CoE (Venice Commission), Code of Good Practice, sec. I, para. 2.2.b
Training of Electoral Management Body Staff

**Key Obligations:**
- State Must Take Necessary Steps to Give Effect to Rights

Electoral management body personnel received training on the electoral process and international obligations.

Political commitment sources indicate that training for EMB members should include training on human rights, including obligations related to elections. 398

Access to Information and Electoral Management Body Documents

**Key Obligations:**
- Transparency and Access to Information

The electoral management body provided citizens with access to information throughout the electoral process.

The right of transparency and access to information is born from the guarantee that the right to free expression includes the ability for everyone to seek and receive information and ideas. 399 Freedom of expression and access to information may be subject to certain limited restrictions.

The state proactively put government information of public interest, including electoral information, in the public domain.

International treaties state that states should proactively put in the public domain government information of public interest. 400 This would include information regarding the electoral process.

Transparency in Electoral Management Body Decision Making and Procurement

**Key Obligations:**
- Transparency and Access to Information
- Prevention of Corruption

The electoral management body ensured transparency in its decision making; for example, through open meetings and the use of public and competitive tenders.

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398 U.N., Declaration on Rights and Responsibilities, art. 15
399 U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1)
400 U.N., UNCAC, art. 10(a)
Treaty obligations establish the general requirement to prevent corruption and indicate that states should promote transparency in public decision making and procurement and should encourage public participation as a means of combating corruption.\textsuperscript{401}

Regional treaties suggest that the election management process, including meetings of election bodies, be transparent.\textsuperscript{402}

State practice sources indicate that it is also desirable that EMBs take decisions by a qualified majority or by consensus.\textsuperscript{403}

\section*{Anticorruption Policies Within the Electoral Management Body}

\textbf{Key Obligations:}

\begin{itemize}
\item \textit{Prevention of Corruption}
\end{itemize}

The electoral management body, as an organ of the state, implemented effective policies to discourage acts of corruption. International treaties encourage states to implement or maintain effective policies that encourage public participation in order to discourage corruption.\textsuperscript{404}

Treaty sources define corruption as including:

\begin{itemize}
\item The solicitation or acceptance of something of value in exchange for an advantage\textsuperscript{405}
\item The offering or granting of something of value in exchange for an act or omission in the performance of a public function\textsuperscript{406}
\item Fraudulent use or concealment of property derived from corrupt activities\textsuperscript{407}
\item Participation or conspiracy to commit corrupt activities\textsuperscript{408}
\item Any act or omission of official functions by a public official to gain illicit benefits\textsuperscript{409}
\item The use of state property for purposes other than those for which they were intended for the benefit of the public official or a third party\textsuperscript{410}
\item Improper influence\textsuperscript{411}
\end{itemize}

\begin{footnotes}
\begin{enumerate}
\item U.N., UNCAC, art. 13(1)(a); AU, Convention on Corruption, art. 12(2)
\item CIS, Convention on Democratic Elections, arts. 7 and 13
\item CoE (Venice Commission), Code of Good Practice, sec. II.3.1.80
\item U.N., UNCAC, art. 13(1)(a)
\item AU, Convention on Corruption, art. 4
\item U.N., UNCAC, art. 19; AU, Convention on Corruption, art. 4(1)(a); OAS, Inter-American Convention Against Corruption, art. VI(1)(b)
\item AU, Convention on Corruption, art. 4; OAS, Inter-American Convention Against Corruption, art. VI(1)(d)
\item AU, Convention on Corruption, art. 4; OAS, Inter-American Convention Against Corruption, art. VI(1)(e)
\item AU, Convention on Corruption, art. 4; OAS, Inter-American Convention Against Corruption, art. VI(1)(c)
\item AU, Convention on Corruption, art. 4(1)(d)
\item U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 4(1)(f)
\end{enumerate}
\end{footnotes}
State practice sources indicate that electoral and other legislation should include procedures and penalties aimed at preventing corruption.\textsuperscript{412}

**Freedom From Discrimination and the Electoral Management Body**

**Key Obligations:**
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The electoral management body treated all citizens equally.

International and regional treaties state that discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status\textsuperscript{413} is prohibited. In addition, international treaties are clear that all are equal before the law and should enjoy equal protection under the law.\textsuperscript{414}

Interpretive sources add that the state is obligated to perform both its “negative duty” to refrain from discrimination and its “positive duty” to prevent discrimination.\textsuperscript{415}

**Special Measures**

**Key Obligations:**
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- State Must Take Necessary Steps to Give Effect to Rights

The state took steps to ensure de facto equality between men and women.

International treaties make clear that women should enjoy equal rights to men\textsuperscript{416} and that in some cases, states should take temporary special measures to achieve de facto equality for women.\textsuperscript{417}

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, and targeting women for appointment to public positions or the use of quotas to ensure female participation in public affairs.\textsuperscript{418}

\textsuperscript{412} U.N., Human Rights and Elections, para. 118
\textsuperscript{413} U.N., ICCPR, art. 2; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU Charter on Fundamental Rights, art. 21(1); U.N. (CESCR), General Comment 20, para. 32
\textsuperscript{414} U.N., ICCPR, art. 26
\textsuperscript{415} U.N. (CCPR), General Comment 28, para. 21
\textsuperscript{416} U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); OAS, ACHR, art. 28; EU, Charter on Fundamental Rights, art. 23
\textsuperscript{417} U.N., CEDAW, art. 3
\textsuperscript{418} U.N. (CEDAW), General Recommendation 23, para. 15
also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory.419

Special measures were taken, as necessary, to promote equality for minorities.

International treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken when the circumstances warrant. Such measures should not be considered discriminatory,420 should not be maintained after the objectives for which they were taken are met, and should not result in the maintenance of unequal rights for different groups.421

Special measures were taken to ensure de facto equality for people with disabilities.

Treaty sources obligate states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability.422 Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory.423 Other treaty sources also call on states to recognize that women and girls with disabilities are subject to multiple discrimination.424

Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected.425

State practice sources suggest that electoral management bodies should ensure that minorities and people with disabilities participate in the electoral process.426

The electoral management body included women.

Other sources, as evidence of state practice, suggest that EMBs should ensure that women participate in the electoral process.427 They also state that the EMB should include women among its staff,428 presumably in numbers consistent with principles of equality (i.e., at least 50 percent).

419  U.N. (CCPR), General Comment 28, para. 29
420  U.N., ICERD, art. 1
421  U.N., ICERD, art. 1
422  U.N., CRPD, art. 4
423  U.N., CRPD, art. 5(4)
424  U.N., CRPD, art. 6 (1)
425  U.N. (CRPD), Concluding Observations, Hungary (2012), para. 26
426  International IDEA, Code, para. 6
427  International IDEA, Code, para. 6
428  EISA and ECF for SADC Countries, PEMMO, p. 12
Safety, Security, and the Electoral Management Body

**Key Obligations:**

- **Right to Security of the Person**

The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.

International treaties state that everyone has the right to security of the person, free from arbitrary arrest or detention.\(^{429}\) It requires that individuals be free from physical and emotional violence at all times. EMB personnel should both be free from intimidation or threats to their safety and should promote the safety of others involved in the electoral process.

Freedom of Movement for Electoral Management Body Personnel

**Key Obligations:**

- **Freedom of Movement**

Electoral management body staff and officials were able to move freely throughout the country to administer the election and at the same time did not prevent or hinder the free movement of citizens during the election process.

International and regional treaties state that everyone has the right to freedom of movement within the borders of each state.\(^{430}\) Freedom of movement is a fundamental right that ensures that everyone—including candidates, voters, citizen observers, EMB personnel (including poll workers), and others—are able to move throughout the territory.

Right to an Effective Remedy for Electoral Management Body Actions

**Key Obligations:**

- **Right to an Effective Remedy**

An effective (timely and enforceable) remedy was available for all violations of their fundamental rights.

International treaties are clear that everyone has the right to an effective (timely and enforceable)\(^{431}\) remedy before a competent tribunal for acts that violate their rights or freedoms.\(^{432}\)

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\(^{429}\) U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); CoE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1)

\(^{430}\) U.N., ICCPR, art. 12(1); AU, AfCHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); EU, Charter on Fundamental Rights, art. 45(1); CIS, Convention on Human Rights, art. 22(1)

\(^{431}\) U.N., ICCPR, art. 2; AU, AfCHPR, art. 7

\(^{432}\) U.N., ICCPR, art. 2(3); AU, ACDEG, art. 17(2); OAS, ACHR, art. 25(1); CoE, ECHR, art. 13
Regional treaties state that individuals should have the right to remedy for violations of their participatory rights relating to the election process and that remedies should be available for complaints arising throughout the electoral process. The right to remedy throughout the electoral process inherently includes actions taken by the EMB.

**Hearings by Impartial and Independent Tribunals**

**Key Obligations:**

- **Right to a Fair and Public Hearing**

Citizens were granted a fair and public hearing by a competent, impartial, and independent tribunal in the determination of their rights.

International treaties state that everyone is entitled to a fair and public hearing by a competent, impartial, and independent tribunal in determination of their rights. The right to a public hearing must be protected except for specific and objective reasons as determined by law. The independence and impartiality of tribunals are absolute rights.

Interpretive sources suggest that the notion of a fair trial includes the guarantee of a fair and public hearing, absent of influence. Impartiality requires that judges act without bias and that the tribunal appears unbiased to the reasonable observer.

Interpretive sources state if the functions and competencies of the judiciary and the executive are not clearly distinguishable or if the executive is able to control or direct the judiciary, that situation is not compatible with the notion of an independent tribunal. In some cases, EMBs cannot be considered independent tribunals according to the ICCPR because they bear executive functions. In such cases, a hearing by a body that meets the criteria of a tribunal should be available.

In addition, interpretive sources also indicate that while a fair and public hearing is one essential means of promoting an effective remedy for violations of other fundamental rights, a remedy must also be available for violations of the right to a fair and public hearing itself.

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433 [AU, ACDEG, art. 17(2)]
434 [ECOWAS, Protocol, art. 7]
435 [U.N., ICCPR, art. 14(1); OAS, ACHR, art. 8(1); CIS, Convention on Human Rights, art. 6(1)]
436 [U.N., ICCPR, art. 14]
437 [U.N., ICCPR, art. 14]
438 [U.N. (CCPR), General Comment 32, para. 25]
439 [U.N. (CCPR), General Comment 32, para. 21]
440 [U.N. (CCPR), General Comment 32, para. 19]
442 [U.N. (CCPR), General Comment 32, para. 58]
The tribunal was protected from political influence. Interpretive sources indicate that independence of the tribunal requires clear procedures regarding the appointment, term limits, security, and remuneration of tribunal members.443

The proceedings of any complaints were transparent, and all parties to the complaint were given an equal opportunity to present evidence.

Other sources indicate that proceedings on complaints and appeals should be transparent444 and that the opportunity should exist to present evidence in support of a complaint.445

“Forum shopping” was discouraged.

State practice sources indicate that appeal channels, when available, should be narrowly constructed so that neither the appellants nor the authorities can choose the appeal body.446

443 U.N. (CCPR), General Comment 32, para. 19
444 OSCE (ODIHR), Existing Commitments, p. 75
445 OSCE (ODIHR), Existing Commitments, p. 75
446 CoE (Venice Commission), Code of Good Practice, sec II.3.3.b
Section 4

Voter Registration

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Equal Suffrage
- Freedom From Discrimination and Equality Before the Law
- Freedom Of Association
- Freedom of Movement
- Equality Between Men and Women
- Right to an Effective Remedy
- Right to Security of the Person
- Right and Opportunity to Vote
- Right and Opportunity to Participate in Public Affairs
- Transparency and Access to Information
- Periodic Elections
- Prevention of Corruption
- Rule of Law

Macro-Level Obligation

Individual Rights and Freedoms

Process-Focused Obligations

Foundational Obligations
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Effective voter registration, offered to the broadest pool of citizens possible, is an important means of ensuring that the right to vote is protected. Voter registration is one means of promoting inclusive voting processes, while at the same time safeguarding against voting by ineligible people. Voter registration can be conducted by a variety of means, and these processes vary from country to country. Regardless of the method used, voter registration should ensure inclusivity and should protect electoral rights and fulfill international obligations.

Because of its central role in determining voter eligibility, an assessment of voter registration is essential to a comprehensive evaluation of the electoral process. For many international election observation missions, voter registration will take place before the arrival of the mission and so a post hoc analysis of available data is necessary. In some cases, however, international missions are able to observe voter registration as it unfolds. In such cases, long-term observers can provide valuable firsthand information about the process. For citizen observers, the timelines of voter registration pose less of a barrier, and organizations with sufficient resources and access to information can conduct very useful audits of voter registration data to verify its accuracy.

The following section of the manual provides guidance on a number of electoral issues including:

- The legal framework for voter registration
- Inclusive lists
- Creating and maintaining accurate lists
- Transparency, access to information, and observation of voter registration
- The right to an effective remedy

A nonexhaustive list of illustrative questions for data collection on the assessment criteria is included in Appendix C.
The Legal Framework and Voter Registration

Key Obligations:

- **State Must Take Necessary Steps to Give Effect to Rights**
- **Rule of Law**

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law.\(^{447}\) The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.\(^{448}\)

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties state that the rule of law requires that all are equal before the law\(^ {449}\) and laws are equally enforced.\(^ {450}\) Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources further state that rule of law requires that laws and procedures are not arbitrarily applied.\(^ {451}\)

The legal framework for elections was consistent with international human rights.

International treaties require, as a means to adhere to rule of law, that the legal framework be consistent with international human rights obligations.\(^ {452}\)

Voter registration procedures were clearly stipulated by law.

State practice sources suggest that voter registration procedures should be clearly stipulated in the law.\(^ {453}\)

Voter Registration and the Fulfillment of Human Rights

Key Obligations:

- **State Must Take Necessary Steps to Give Effect to Rights**

The state took the steps necessary to give effect to rights during the voter registration process, including the creation of an effective procedure for voter registration.

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\(^{447}\) U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble

\(^{448}\) UNGA, Millennium Declaration; UNGA, Resolutions on the Rule of Law; OAS, IADC, arts. 3 and 4; and OSCE, Copenhagen Document, para. 3

\(^{449}\) U.N., ICCPR, art. 26; AU, AfCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)

\(^{450}\) U.N., ICCPR, art. 26

\(^{451}\) U.N. (CCPR), General Comment 25, para. 4

\(^{452}\) U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1

\(^{453}\) EU, Handbook (Ed. 2), p. 43
States are obligated by international treaties to take the steps necessary to give effect to human rights.⁴⁵⁴

Interpretive sources amplify this obligation, stating that all branches of the government and other public or governmental authorities are responsible for meeting this obligation.⁴⁵⁵ States should ensure the voter registration process is conducted in a manner that respects a variety of rights. Interpretive sources indicate information and materials about voting should be available in minority languages of the country.⁴⁵⁶

There was adequate time for the voter registration process, including exhibition of preliminary lists and opportunities for challenges and corrections.

State practice sources recommend that when scheduling elections, adequate time be allowed to successfully implement other necessary parts of the election, including voter registration.⁴⁵⁷ Potential voters may be offered continuous and accessible voter registration facilities and should be ensured sufficient time to register so that as many people as possible can register.⁴⁵⁸

Citizenship

**Key Obligations:**
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Rule of Law

The rules regarding citizenship were clear and nondiscriminatory.

While everyone has the right to a nationality,⁴⁵⁹ the details of citizenship are generally not addressed in great detail in international law: They have traditionally been considered within the state’s remit to regulate. The link between citizenship and the enjoyment of participatory rights is made explicit in international treaties.⁴⁶⁰ Although states may regulate the law concerning nationality, citizenship, or naturalization, they may not discriminate against any particular nationality in doing so.⁴⁶¹

Interpretive sources note that distinctions between those who attain citizenship by birth or by naturalization may be discriminatory.⁴⁶²

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⁴⁵⁴ U.N., ICCPR, art. 2(2); AU, ACHR, art. 1; OAS, ACHRP, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
⁴⁵⁵ U.N. (CCPR), General Comment 31, para. 4
⁴⁵⁶ U.N. (CCPR), General Comment 25, para. 12
⁴⁵⁷ U.N., Human Rights and Elections, para. 75
⁴⁵⁸ EISA and ECF of SADC Countries, PEMMO, p. 15 and 16
⁴⁵⁹ U.N., UDHR, art. 15
⁴⁶⁰ U.N., ICCPR, art. 25
⁴⁶¹ U.N., ICERD, art. 1(3)
⁴⁶² U.N. (CCPR), General Comment 25, para. 3
Other sources support the requirement that the process for attaining citizenship should be clearly defined and nondiscriminatory.\(^{463}\)

**Citizenship rules did not discriminate directly or indirectly against women.**

International treaties make it clear that citizenship rules should not discriminate against women; for example, when attaining or conferring citizenship for spouses or children.\(^{464}\)

### Voter Eligibility and Barriers to Registration

#### Key Obligations:
- Universal Suffrage

**Voter registration promoted universal suffrage.**

International treaties state that elections must be held by universal suffrage.\(^{465}\)

However, universal suffrage may be subject to objective and reasonable restrictions. These restrictions are particularly important in the context of voter registration.

#### Limitations on universal suffrage imposed during the voter registration process were reasonable and objective.

Interpretive sources indicate that any limits placed on universal suffrage in the context of voter registration must be based on objective and reasonable criteria.\(^{466}\) These include residency, citizenship, criminal conviction, and reaching a minimum age.\(^{467}\)

**Voter registration promoted broad participation, and there were no barriers to participation by otherwise qualified eligible voters.**

Interpretive sources state that although voter registration is not a requisite component of a successful electoral process, in cases where voter registration is conducted in order to determine eligibility, universal suffrage requires that broad participation be promoted.\(^{471}\) Further, participation of eligible voters in the registration process should not be inhibited, and unnecessary technical barriers to participation by otherwise qualified eligible voters should be removed.\(^{474}\)

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\(^{463}\) U.N., Recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation, para. 26

\(^{464}\) U.N., CEDAW, art. 9(1)

\(^{465}\) U.N., ICCPR, art. 25(b); AU, ACDEG, art. 4(2); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b)

\(^{466}\) U.N. (CCPR), General Comment 25, para. 4

\(^{467}\) OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11

\(^{468}\) U.N. (CCPR), General Comment 25, para. 25(b)

\(^{469}\) OAS, ACHR, art. 23

\(^{470}\) OAS, ACHR, art. 23

\(^{471}\) U.N. (CCPR), General Comment 25, para. 11

\(^{472}\) U.N. (CCPR), General Comment 25, para. 11

\(^{473}\) U.N. (CCPR), General Comment 25, para. 11

\(^{474}\) U.N. (CCPR), General Comment 25, para. 11
Freedom From Discrimination in the Voter Registration Process

Key Obligations:
- Freedom From Discrimination and Equality Before the Law

Eligibility requirements for voter registration were reasonable and objective and did not discriminate on the basis of prohibited grounds.

International treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\(^{475}\)

In addition, international treaties state that all are equal before the law and should enjoy the equal protection of the law.\(^ {476}\) Voter registration processes should be free from discriminatory restrictions of rights. This may require the use of assistive technologies to facilitate participation by people with disabilities\(^ {477}\).

Voter registration facilities were accessible to all.

Everyone has the right of equal access to any place or service intended for use by the public.\(^ {478}\) This includes facilities used for voter registration.

Special Measures

Key Obligations:
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- State Must Take Necessary Steps to Give Effect to Rights

The state took steps to ensure de facto equality between men and women.

Treaty sources make clear that women should enjoy equal rights to men\(^ {479}\) and that in some cases, states should take temporary special measures to achieve de facto equality for women.\(^ {480}\)

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, and targeting women for appointment to public positions or the use of quotas to

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\(^{475}\) U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab. Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2)

\(^{476}\) U.N., ICCPR, art. 26; AU, AfCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)

\(^{477}\) U.N., CRPD, art. 29

\(^{478}\) U.N., ICERD, art. 5; U.N., CRPD, art. 9

\(^{479}\) U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); CoE, ECHR, art. 23

\(^{480}\) U.N., CEDAW, art. 3
ensure female participation in public affairs. Interpretive sources also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory.

State practice sources suggest that the voter registration system should be carefully tailored to ensure that cultural factors affecting women (e.g., name changes with marriage) do not result in disenfranchisement.

Special measures were taken, as necessary, to promote equality for minorities.

International treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken when the circumstances warrant. Such measures should not be considered discriminatory, should not be maintained after the objectives for which they were taken are met, and should not result in the maintenance of unequal rights for different groups.

Special measures were taken to ensure de facto equality for people with disabilities.

Treaties obligate states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability. Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory.

Other treaty sources also call on states to recognize that women and girls with disabilities are subject to multiple discrimination.

Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected.

**Voter Registration in Minority Languages**

**Key Obligations:**

- Transparency and Access to Information
- Freedom From Discrimination and Equality Before the Law
- State Must Take Necessary Steps to Give Effect to Rights

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481 U.N. (CEDAW), General Recommendation 23, para. 15  
482 U.N. (CCPR), General Comment 28, para. 29  
483 OSCE (ODIHR), Women’s Participation, p. 25  
484 U.N., ICERD, art. 1  
485 U.N., ICERD, art. 1  
486 U.N., CRPD, art. 4  
487 U.N., CRPD, art. 5  
488 U.N., CRPD, art. 6 (1)  
489 U.N. (CRPD), Concluding Observations, Hungary (2012), para. 26
Linguistic minorities were able to use their own language.

International treaties state that where linguistic minorities exist, those that belong to such minorities should not be denied the right to use their own language.\(^{490}\)

Interpretive sources indicate that information and materials about voting should be available in minority languages of the country.\(^{491}\)

State practice sources suggest that in order to ensure that all citizens can access information regarding the voter registration process, registration forms and guidelines should be available in minority languages of the country.\(^{492}\)

**Accuracy of the List**

**Key Obligations:**
- Universal Suffrage
- Equal Suffrage
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights

The voter list was accurate and up-to-date.

International treaties state that elections must be held by equal suffrage.\(^{493}\) Equal suffrage should be protected throughout the voter registration process.

Political commitments indicate that a voter list should be accurate and current in order to ensure the right to vote is extended to all eligible citizens.\(^{494}\)

State practice sources suggest that fulfillment of universal and equal suffrage requires regular updating or re-establishment of the voter list.\(^{495}\)

Voter registration processes prevented multiple registrations.

State practice sources suggest that equal suffrage and the “one person, one vote” rule require that multiple voting and registration be prohibited and that safeguards be put in place to diminish the potential for multiple voting and fraud.\(^{496}\)

The state took steps to facilitate registration.

State practice sources indicate that the fulfillment of universal suffrage is partially dependent on the success of the voter registration

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490 U.N., ICCPR, art. 27
491 U.N. (CCPR), General Comment 25, para. 12
492 OSCE (ODIHR), National Minorities, sec. 5.1.2, Lund Recommendation 7
493 U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b)
494 UNGA, Guidelines Concerning Personal Data Files, art. 2
495 CoE (Venice Commission), Code of Good Practice, sec. i.1.2.ii
496 OSCE (ODIHR), Handbook (Ed. 6), p. 59
process and suggest that a voter list may be reliably established through a variety of acceptable methods, including periodic list, continuous list, or civil registry, in order to ensure that the data remains current. To ensure broad participation, state practice sources also suggest that states should facilitate absentee registration.

**Transparency in Creating and Maintaining the Voter List**

*Key Obligations:*

- Transparency and Access to Information

There was transparency in the creation and maintenance of the voter list.

Regional treaties support the need for states to ensure complete transparency in the conduct of voter registration and maintenance of the voter list.

State practice sources suggest that registration procedures should be clearly stated and readily accessible for review by potential voters.

**Correction of Voter Registration Data**

*Key Obligations:*

- Right to an Effective Remedy
- State Must Take Necessary Steps to Give Effect to Rights

Citizens that offered proof of identity had the right to rectify information about them that was inaccurate.

Interpretive sources state that in regard to the protection and use of personal data, everyone who offers proof of identity has the right to rectify information about them in the case of unlawful or inaccurate entries.

Voter registration procedures allowed for claims (of unjustified exclusion) and objections (for incorrect inclusion).

State practice sources recommend that an effective remedy be available for complaints regarding the voter registration process, that mistakes should be corrected, and that additions or deletions made to ensure that both disenfranchisement and voting by ineligible people are prevented.

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497 CoE (Venice Commission), Code of Good Practice, sec. I.1.2.7
498 EISA and ECF of SADC Countries, PEMMO, p. 15
499 CoE (Venice Commission), Code of Good Practice, sec. I.1.1.c
500 ECOWAS, Protocol, art. 6
501 OSCE (ODIHR), Resolving Electoral Disputes, para. II.E.25
502 U.N. (CCPR), General Comment 34, para. 18
503 EU, Handbook (Ed. 2), p. 44
Voter Access to Registration Information

Key Obligations:
- Transparency and Access to Information
- Freedom From Discrimination and Equality Before the Law

The state proactively put information regarding voter registration in the public domain.

International treaties protect the right of access to information. This right is born from the right to free expression, which includes the ability for everyone to seek and receive information and ideas.\textsuperscript{504}

Access to information is subject to reasonable and objective restrictions. In the context of voter registration, the right of access to information must be balanced with the right to keep private sensitive personal information.

International treaties suggest that states should proactively put in the public domain, government information of public interest.\textsuperscript{505}

This would include information regarding the electoral process and voter registration.

Citizens had access to information regarding their inclusion on the voter list, and this information was provided to them in an intelligible format.

Regional treaties state that every citizen should receive information on his/her inclusion on the voter list.\textsuperscript{506}

Interpretive sources extend the understanding of this obligation by ensuring that anyone who offers proof of identity has the right to know whether information concerning them is being processed and the right to obtain it in an intelligible form.\textsuperscript{507}

Voters had the ability to correct errors in the voter list.

Interpretive sources underscore the importance of voters having access to a procedure that makes it possible to have errors on the voter list corrected.\textsuperscript{508}

The voter list was publicly displayed, and there was adequate time for public inspection of the list, including time for objections and the adjudication of disputes.

State practice sources suggest that the voter list should be publicly displayed\textsuperscript{509} and that there be sufficient time for public inspection of

\textsuperscript{504} U.N., UNCAC, art. 10
\textsuperscript{505} U.N., UNCAC, art. 10
\textsuperscript{506} CIS, Convention on Democratic Elections, art. 2(d)
\textsuperscript{507} U.N. (CCPR), General Comment 34, para, 18
\textsuperscript{508} U.N. (CCPR), General Comment 34, para, 18
\textsuperscript{509} CoE (Venice Commission), Code of Good Practice, sec. I.1.2.iii
the voter list, including time for objections to be raised and for the adjudication of appeals.\textsuperscript{510}

**Privacy and Voter Registration**

**Key Obligations:**

- **Transparency and Access to Information**

Personal data collected was not used for other purposes.

Regional treaties indicate that personal data included in the voter list may only be used for the purposes for which it was collected.\textsuperscript{511} Such a balance between the right to privacy\textsuperscript{512} and access to information is critical for the fulfillment of all rights.

The voter list did not include information beyond that necessary to identify a voter and establish his/her eligibility.

Political commitment sources suggest that in order to ensure that voter list information cannot be misused, a voter list should not include information beyond that required to identify voters and establish their eligibility.\textsuperscript{513}

**Freedom of Movement for the Purposes of Voter Registration**

**Key Obligations:**

- **Freedom of Movement**

Freedom of movement was respected throughout the voter registration process.

International treaties establish that everyone has the right to freedom of movement within the borders of each state.\textsuperscript{514} Freedom of movement is a fundamental right that ensures that everyone, including candidates, voters, citizen observers, and poll workers, are able to move throughout the territory during the voter registration process. The right of freedom of movement may only be restricted when provided by law, necessary in a democratic society.\textsuperscript{515}

Citizens were able to return to the country (as necessary) to register to vote.

Freedom of movement, as established in international treaties, requires that everyone has the right to leave and return to his/her own country.\textsuperscript{516}

\textsuperscript{510} Commonwealth Secretariat, Good Practice, para. 17

\textsuperscript{511} CoE, Convention for the Protection of Individuals With Regard to Automatic Processing of Personal Data, art. 5

\textsuperscript{512} U.N., ICCPR, art. 17

\textsuperscript{513} UNGA, Guidelines Concerning Computerized Data Files, art. 3

\textsuperscript{514} U.N., ICCPR, art. 12(1); AU, AfCHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); EU, Charter of Fundamental Rights, art. 45(1); CIS, Convention on Human Rights, art. 22(1)

\textsuperscript{515} U.N., ICCPR, art. 12

\textsuperscript{516} U.N., ICCPR, art. 12(2); AU, AfCHPR, art. 12(2); CIS, Convention on Human Rights, art. 22(2)
Citizens displaced against their will had the opportunity to be considered resident in their former place of residence. Political commitment sources indicate that people displaced against their will should have the opportunity to be considered resident in their former place of residence.\textsuperscript{517}

**Transparency in Decision Making and Procurement in the Voter Registration Process**

**Key Obligations:**

- **Prevention of Corruption**

The electoral management body promoted transparency in its decision making and procurement processes, including with regard to voter registration processes. International treaties require that states take measures to prevent corruption that may arise in various forms.\textsuperscript{518} As a means of combating corruption, states should promote transparency in public decision making and procurement as well as public participation.\textsuperscript{519} This includes procurement related to the voter registration process.

**Voter Education on Voter Registration**

**Key Obligations:**

- **Right and Opportunity to Vote**
- **Universal Suffrage**

Voter education campaigns included information regarding voter registration processes. Interpretive sources are clear that voter education campaigns are necessary to ensure an informed community is able to effectively exercise its right to vote.\textsuperscript{520} Voter education should include information on the voter registration process and eligibility requirements.

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\textsuperscript{517} UNGA, Guiding Principles on Internal Displacement, Principle 22
\textsuperscript{518} U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7
\textsuperscript{519} U.N., UNCAC, art. 13
\textsuperscript{520} U.N. (CCPR), General Comment 25, para. 11

Refer to the Voter Education section of this handbook for more information.
Partisan and Nonpartisan Observation of the Voter Registration Process

Key Obligations:
- **Right and Opportunity to Participate in Public Affairs**

Citizen observers were able to access and comment on all parts of the electoral process, including voter registration.

Regional treaties recognize that the participation of citizen observers may enhance all aspects of the electoral process, including voter registration.\(^{521}\)

International treaties state that everyone has the right of equal access to any place or service intended for use by the public.\(^{522}\) This includes candidate representatives requiring access to the facilities used for voter registration.

Candidates and parties were able to monitor the elections and had access to the voter list without undue cost.

State practice sources suggest that candidates and their agents should be guaranteed access to monitor all aspects of the electoral process, including voter registration.\(^{523}\) They also recommend that parties have access to the voter roll without undue cost.\(^{524}\)

International treaties state that everyone has the right of equal access to any place or service intended for use by the public.\(^{525}\) This includes candidate representatives requiring access to the facilities used for voter registration.

Voter Registration Activities by Civil Society

Key Obligations:
- **Freedom of Association**

Civil society organizations were permitted to conduct voter registration free from unreasonable restrictions.

International treaties protect freedom of association.\(^{526}\) Freedom of association may only be restricted under certain circumstances as are prescribed by law and are necessary in a democratic society.\(^{527}\)

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521 AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25.
522 OSCE (ODIHR), Legal Framework (Ed. 1), p. 13
523 U.N., ICERD, art. 5; U.N., CRPD, art. 9
524 U.N., ICCPR, art. 22(2); AU, AFCHPR, art. 10(1); OAS, ACHR, art. 16(1); LAS, Arab Charter, art. 24(5-7); EU, Charter on Fundamental Rights, art. 12(1); CoE, ECHR, art. 11(1); CIS, Convention on Human Rights, art. 12(1)
525 U.N., ICCPR, art. 22
526 U.N., ICCPR, art. 22(2); AU, AFCHPR, art. 10(1); OAS, ACHR, art. 16(1); LAS, Arab Charter, art. 24(5-7); EU, Charter on Fundamental Rights, art. 12(1); CoE, ECHR, art. 11(1); CIS, Convention on Human Rights, art. 12(1)
527 U.N., ICCPR, art. 22
These freedom-of-association rights should extend to civil society organizations conducting voter registration activities.

Political commitments suggest that states should not unreasonably restrict the activities of nongovernmental organizations, including those activities related to voter registration.

**Safety, Security, and Voter Registration**

**Key Obligations:**

- **Right to Security of the Person**

  The state prohibited interference with registration, intimidation, or coercion of potential voters.

  International treaties state that everyone has the right to security of the person free from arbitrary arrest or detention. It requires that individuals be free from physical and emotional violence at all times, including during the voter registration process.

  Interpretive sources indicate that for voter registration to be respected, states must ensure that interference with registration, intimidation, or coercion of potential voters are prohibited.

  State practice sources recommend that law enforcement behave in a neutral manner during the electoral process, including voter registration.

**Right to an Effective Remedy and Voter Registration**

**Key Obligations:**

- **Right to an Effective Remedy**

  An effective remedy was available for all citizens for violations of their rights during the voter registration process.

  International and regional treaties state that everyone has the right to an effective (timely and enforceable) remedy for acts that violate their rights or freedoms. The right to effective remedy also applies during voter registration.

  Regional treaties state that remedies should be available for complaints arising throughout the electoral process.

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528 OSCE, Moscow Document, para. 43
529 U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1)
530 U.N. (CCPR), General Comment 25, para. 11
531 EU, Handbook (Ed. 2.), p. 52
532 U.N., ICCPR, art. 2; AU, ACHPR, art. 7
533 U.N., ICCPR, art. 2; OAS, ACHR, art. 25; CoE, ECHR, art. 13
534 ECOWAS, Protocol, art. 7
There was a clear timeline for complaints regarding voter registration that ensured that complaints were resolved prior to election day and in time for the election.

State practice sources suggest that decisions on requests for a remedy during voter registration should be made within a time period set by law.\textsuperscript{535} To ensure the finalization of the voter list and to provide clarity on election day, the timeline for filing complaints arising from the voter registration period may be limited directly before the election\textsuperscript{536} and all complaints relating to the voter list should be resolved prior to election day.\textsuperscript{537}

\textsuperscript{535} OSCE (ODIHR), Legal Framework, p. 14
\textsuperscript{536} OSCE (ODIHR), Resolving Electoral Disputes, para. II.E.2.6
\textsuperscript{537} EU, Handbook on EU Election Observation (Ed. 2), p. 44
Section 5

Voter Education

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Right to an Effective Remedy
- Right and Opportunity to Vote
- Universal Suffrage
- Right and Opportunity to be Elected
- Equal Suffrage
- Right and Opportunity to Participate in Public Affairs
- Secret Ballot
- Freedom of Association
- Periodic Elections
- Freedom From Discrimination and Equality Before the Law
- State Must Take Necessary Steps to Give Effect to Rights
- Equality Between Men and Women
- Rule of Law

Macro-Level Obligation

Individual Rights and Freedoms

Process-Focused Obligations

Foundational Obligations
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Effective voter education efforts are crucial to ensuring that all potential voters have the necessary information not only to exercise their right to vote but also to understand and have confidence in the entire electoral process. International law is increasingly addressing the need for inclusive voter education campaigns that will ensure an informed electorate.

The content of voter education campaigns should not be limited to the logistics of registering and voting but should also increase citizen awareness of their democratic rights and fundamental freedoms as well as the associated international obligations. Voter education can be provided by a number of potential sources, including state actors such as the electoral management body, political parties, and civil society. Regardless of the organization providing voter education, efforts should ensure that all potential voters— including women, minorities, and people with disabilities—have access to this information.

Given its role in preparing citizens to exercise their electoral rights, an assessment of voter education processes is important. Not only will such an assessment provide insight into whether voter education has been adequately implemented, it may provide valuable information on the cause of problems seen during other parts of the electoral process, such as voter registration or election-day voting operations. Long-term observers can be a valuable resource for collecting data on voter education campaigns.

The following section of the manual provides guidance on a number of electoral issues, including:

- The legal framework for voter education
- Human rights and voter education
- The content of voter education campaigns
- Provision of nondiscriminatory voter education
- Observation of voter education
- The right to an effective remedy

A nonexhaustive list of illustrative questions for data collection on the assessment criteria outlined in this handbook is included in Appendix C.
The Legal Framework and Voter Education

Key Obligations:
- **State Must Take Necessary Steps to Give Effect to Rights**
- **Rule of Law**

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law.\(^{538}\) The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.\(^{539}\)

The legal framework for elections was consistent with international human rights.

International treaties require, as a means to adhere to rule of law, that the legal framework be consistent with international human rights obligations.\(^{540}\)

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties have stated that the rule of law requires that all are equal before the law\(^ {541}\) and that laws are equally enforced.\(^ {542}\) Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources have further stated that rule of law requires that laws and procedures are not arbitrarily applied.\(^ {543}\) Suspension or exclusion of participatory rights is prohibited except on grounds established by law.\(^ {544}\)

The Election Calendar and the Enjoyment of Rights

Key Obligations:
- **Periodic Elections**
- **State Must Take Necessary Steps to Give Effect to Rights**

The scheduling of elections granted sufficient time for a complete and comprehensive voter education program.

International and regional treaties obligate states to give effect to human rights,\(^ {545}\) including when planning the electoral process.

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538 U.N., UNCAC, art. 5; AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble
539 UNGA, Millennium Declaration; UNGA, Resolutions on the Rule of Law; OAS, IADC, arts. 3 and 4; and OSCE, Copenhagen Document, para. 3
540 U.N., ICCPR, art. 2; AU, ACHPR, art. 1; OAS, ACHR, art. 2
541 U.N., ICCPR, art. 26; AU, ACHPR, art. 19; OAS, ACHR, art. 24; CIS, Convention on Human Rights, art. 20 (1); EU, Charter on Fundamental Rights, art. 20
542 U.N., ICCPR, art. 26
543 U.N. (CCPR), General Comment 25, para. 4
544 U.N. (CCPR), General Comment 25, para. 4
545 U.N., ICCPR, art. 2
State practice sources suggest that when scheduling elections, adequate time should be allowed to successfully implement the election process, including effective and timely voter education drives.\(^{546}\)

**Universal Suffrage, the Right to Vote, and Voter Education**

**Key Obligations:**
- **Right and Opportunity to Vote**
- **Universal Suffrage**
- **State Must Take Necessary Steps to Give Effect to Rights**

The obligations of universal suffrage and the right to vote were advanced through voter education.

International treaties state that elections must be held by universal suffrage.\(^{547}\) In addition, every citizen should have the right and the opportunity to vote.\(^{548}\) Both universal suffrage and the right to vote can be subject only to reasonable and objective restrictions.\(^{549}\)

All eligible voters were informed of their electoral rights before, during, and after election day.

Interpretive sources are clear that voter education campaigns are necessary to create an informed electorate that is able to effectively exercise their right to vote.\(^{550}\)

State practice sources support the interpretive sources, suggesting that the fulfillment of universal suffrage is partially dependent on the success of an adequate voter education process.\(^{551}\)

Voter education campaigns were responsive to the needs of the electorate.

State practice sources indicate the importance of voter education campaigns that are responsive to the needs of the electorate\(^{552}\) and are designed with the aim of reaching all eligible voters.\(^{553}\)

**The Content of Voter Education Campaigns**

**Key Obligations:**
- **Right and Opportunity to Vote**
- **Right to an Effective Remedy**

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546 U.N., Human Rights and Elections, para. 75
547 U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23; U.N., UDHR, art. 21(3); U.N., ICERD, art. 5(c); AU, ACDEG, art. 4
548 ICCPR, art. 25; AU, ACHPR, art. 13(1); AU, Protocol to the ACHPR, art. 9. OAS, ACHR, art. 23(1)(b); CIS, Convention on Democratic Elections, art. 2(a); EU, Charter on Fundamental Rights, art. 40
549 U.N. (CCPR), General Comment 25, para. 10
550 U.N. (CCPR), General Comment 25, para. 11
551 Norwegian Helsinki Committee, Manual for Election Observation, sec. 5.5
552 International IDEA, Code, p. 14
553 OSCE (ODIHR), Domestic Election Observers, p. 97

The Carter Center ELECTION OBLIGATIONS AND STANDARDS MANUAL
Voter education efforts included information about all electoral rights, including equal suffrage, the right to vote and be elected, the right to an effective remedy, and the secret ballot.

International and regional treaties say that states must take the steps necessary to give effect to rights.\footnote{\textit{U.N., ICCPR, art. 2}}

Interpretive sources make clear that the state’s obligation to take steps includes the provision of education on human rights.\footnote{\textit{U.N. (CCPR), General Comment 31, para. 7}}

State practice sources elaborate, suggesting that this obligation includes the provision of voter education on issues such as equal suffrage and the secret ballot.\footnote{\textit{Norwegian Helsinki Committee, Manual for Election Observation, sec. 5.5}}

Voter education campaigns included information on restrictions that may be applied to participatory rights.

State practice sources indicate that it is important that any restrictions on the right to vote are to be established in advance of election day\footnote{\textit{Goodwin Gill, Free and Fair (2006), p.127}} and that the loss of this right may only be imposed after adjudication by a court.\footnote{\textit{OSCE, Moscow Document, para. 18}} In general, voter education campaigns should explain when and how participatory rights may be restricted.

Voter education campaigns included information about the voting and registration process.

State practice sources suggest that voter education campaigns should be designed to provide sufficient information to voters on voting and registration processes.\footnote{\textit{U.N., Human Rights and Elections, para. 88}}

\section*{Provision of Voter Education by the Electoral Management Body}

\textbf{Key Obligations:}
\begin{itemize}
  \item Right and Opportunity to Participate in Public Affairs
  \item State Must Take Necessary Steps to Give Effect to Rights
\end{itemize}

The state took the steps necessary to give effect to rights during voter education.
International treaties establish that states must take the steps necessary to fulfill and safeguard human rights. Regional treaties build on this, obligating states to provide civic (including voter) education.\textsuperscript{560}

**Voter education was provided by the EMB and was impartial and responsive to the needs of the electorate.**

State practice sources suggest that state voter education campaigns should be conducted in an impartial manner.\textsuperscript{561}

Other state practice sources suggest that EMBs, as principal organs of the state responsible for election implementation, bear primary responsibility for voter education\textsuperscript{562} and that voter education campaigns should be responsive to the needs of the electorate\textsuperscript{563} and materials distributed in a timely manner.\textsuperscript{564}

### Provision of Voter Education by Civil Society and Political Parties

**Key Obligations:**
- **Right and Opportunity to Participate in Public Affairs**
- **Freedom of Association**

Civil society organizations participated in voter education.

According to international treaties, the right and opportunity to participate in public affairs include not only the right to vote and to be elected but also the right of citizens to participate in nongovernmental organizations\textsuperscript{565} and the ability of citizens to participate in citizen observation organizations.

International treaties also protect freedom of association as an important right in the context of the electoral process.\textsuperscript{566} It may only be restricted under certain circumstances that are prescribed by law and necessary in a democratic society.\textsuperscript{567}

Political commitments note that states should recognize accredited nongovernmental organizations and facilitate their ability to conduct their activities, presumably including voter education.\textsuperscript{568}

State practice sources suggest that while the state bears principal responsibility for voter education,\textsuperscript{569} the opportunity for civil society

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\textsuperscript{560} AU, ACDEG, art. 12
\textsuperscript{561} U.N., Human Rights and Elections, para. 87
\textsuperscript{562} EISA and ECF of SADC Countries, PEMMO, p. 22
\textsuperscript{563} U.N., Electoral Management Bodies, p. 102
\textsuperscript{564} EU, Handbook (Ed. 1), p. 65
\textsuperscript{565} U.N., CEDAW, art. 7; AU, ARFPR, art. 10(1); OAS, ACHR, art. 23 (1)
\textsuperscript{566} U.N., ICCPR, art. 22(2); AU, AFCHPR, art. 10(1); OAS, ACHR, art. 16(1); LAS, Arab Charter, art. 24(5-7); EU, Charter on Fundamental Rights, art. 12(1); CoE, ECHR, art. 11(1); CIS, Convention on Human Rights, art. 12(1)
\textsuperscript{567} U.N., ICCPR, art. 22(1)
\textsuperscript{568} OSCE, Moscow Document, para. 43
\textsuperscript{569} AU, ACDEG, art. 12
and international organizations to contribute to voter education efforts should exist.\textsuperscript{570}

Political parties and/or candidates were permitted to provide voter education.

State practice sources suggest that political parties may provide voter education, though this responsibility should principally reside with the state.\textsuperscript{571}

**Freedom From Discrimination in Voter Education**

**Key Obligations:**

- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

All citizens received voter education regardless of their race, color, sex, language, religion, political or other opinion, national or social origin, physical or mental ability, sexual orientation or gender identity, property, birth, or other status.

International treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\textsuperscript{572} In addition, treaties state that all are equal before the law and should enjoy the equal protection of the law.\textsuperscript{573}

Interpretive sources indicate that the state is obligated to perform both its “negative duty” to refrain from discrimination and its “positive duty” to prevent discrimination.\textsuperscript{574}

Locations used for voter education were accessible in a nondiscriminatory manner.

International treaties are clear that everyone has the right of equal access to any place or service intended for use by the public.\textsuperscript{575} In the context of voter education, it is reasonable to assume that this means that all potential voters should have access to locations used for the purposes of voter education.

Voter education materials facilitated voting by illiterate voters.

Interpretive sources state that voter education campaigns should facilitate the participation of illiterate voters.\textsuperscript{576} To this end,

\textsuperscript{570} EISA and ECF of SADC Countries, PEMMO, p. 22
\textsuperscript{571} EISA and ECF of SADC Countries, PEMMO, p. 22
\textsuperscript{572} U.N., ICCPR, art. 25; U.N., CRPD, art. 2; ACHPR, art. 2; OAS, ACHR, arts. 1 and 2; Arab Charter, art. 3; EC, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32
\textsuperscript{573} U.N., ICCPR, art. 26; OAS, ACHR, art. 24; ACHPR, art. 8; CIS, Convention on Human Rights, art. 20(1)
\textsuperscript{574} U.N. (CCPR), General Comment 28, para. 21
\textsuperscript{575} U.N., ICERD, art. 5; U.N., CRPD, art. 9
\textsuperscript{576} U.N. (CCPR), General Comment 25, para. 12
interpretive sources suggest that specific methods, such as the use of photographs and symbols, should be adopted. 577

Special Measures

Key Obligations:
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The state took steps to ensure de facto equality between men and women.

Treaty sources make clear that women should enjoy equal rights to men 578 and that in some cases, states should take temporary special measures to achieve de facto equality for women. 579

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include providing women with access to voter education to ensure that they understand their right to vote and how to exercise it 580. Interpretive sources also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory. 581

Special measures were taken, as necessary, to promote equality for minorities.

Treaty sources also indicate that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken when the circumstances warrant. Such measures should not be considered discriminatory, 582 should not be maintained after the objectives for which they were taken are met, and should not result in the maintenance of unequal rights for different groups. 583

Interpretive sources add that in the context of voter education, campaigns specifically focused on minority groups may be undertaken to promote awareness of the importance of active participation in public and political life. 584

Special measures were taken to ensure de facto equality for people with disabilities.

Treaty sources obligate states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability. 585 Specific measures aimed at ensuring de facto equality for people with disabilities should not be

577 U.N. (CCPR), General Comment 25, para. 12
578 U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); CoE, ECHR, art. 23
579 U.N., CEDAW, art. 3
580 U.N. (CEDAW), General Recommendation 23, para. 45
581 U.N. (CCPR), General Comment 28, para. 29
582 U.N., ICERD, art. 1(4)
583 U.N., ICERD, art. 1(4)
584 U.N. (CERD), Concluding Observations, Nepal (2004), para. 17
585 U.N., CRPD, art. 4
considered discriminatory.\textsuperscript{586} Other treaty sources also call on states to recognize that women and girls with disabilities are subject to multiple discrimination.\textsuperscript{587}

Treaty sources further state that education campaigns to facilitate the participation of people with disabilities should be provided.\textsuperscript{588}

Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected.\textsuperscript{589}

**Voter education materials were available in all official languages as well as minority languages.**

International treaties state that where linguistic minorities exist, those that belong to such minorities should not be denied the right to use their own language.\textsuperscript{590}

Interpretive sources support this, adding that information and materials about voting should be available in minority languages.\textsuperscript{591}

**Partisan and Nonpartisan Observation of Voter Education**

**Key Obligations:**

- Right and Opportunity to Participate in Public Affairs
- Freedom of Association

Citizens were able to participate in public affairs through nongovernmental organizations.

International and regional treaties state that all people have the right to participate in the public affairs of their country.\textsuperscript{592} Regional treaties are clear that the participation of observers, both citizen and international, may enhance all aspects of the electoral process.\textsuperscript{593}

Observers, citizen and international, were given access to the voter education process.

Political commitment sources suggest that observation can enhance all aspects of the electoral process, including voter education campaigns.\textsuperscript{594} This includes observer access to the voter education process.

\textsuperscript{586} U.N., CRPD, art. 5(4)
\textsuperscript{587} U.N., CRPD, art. 6(1)
\textsuperscript{588} U.N., CRPD, arts. 24(1)(c) and 29
\textsuperscript{589} U.N. (CRPD), Concluding Observations, Hungary (2012), para. 26
\textsuperscript{590} U.N., ICCPR, art. 27
\textsuperscript{591} U.N. (CCPR), General Comment 25, para. 12
\textsuperscript{592} U.N., ICCPR, art. 25; AU, ACHPR, art. 13; OAS, ACHR, art. 23
\textsuperscript{593} AU, ACHPR, arts. 19-22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25
\textsuperscript{594} OSCE, Copenhagen Document, para. 8
Right to an Effective Remedy and Voter Education

Key Obligations:

● Right to an Effective Remedy

There was a timely and effective means of seeking redress for violations of rights, including regarding voter education.

International treaties state that everyone has the right to an effective (timely and enforceable)\textsuperscript{595} remedy before a competent national tribunal for acts that violate their rights or freedoms.\textsuperscript{596} The right to an effective remedy is fundamental to ensuring all other human rights may be fulfilled. Regional treaties state that remedies should be available for complaints arising throughout the electoral process including voter education.\textsuperscript{597}

Political commitment sources indicate that individuals must have the right to a remedy for violations of their participatory rights relating to the election process.\textsuperscript{598}

\textsuperscript{595} U.N., ICCPR, art. 2; ACHPR, art. 7

\textsuperscript{596} U.N., ICCPR, art. 2; OAS, ACHR, art. 25; CoE, ECHR, art. 13

\textsuperscript{597} ECOWAS, Protocol, art. 7

\textsuperscript{598} CoE, Declaration on the Code of Good Practice, p. 1
Section 6

Candidacy and Campaigning

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Right to Security of the Person
- Right and Opportunity to Be Elected
- Freedom From Discrimination and Equality Before the Law
- Right and Opportunity to Participate in Public Affairs
- Equality Between Men and Women
- Freedom of Association
- Right to an Effective Remedy
- Freedom of Assembly
- Periodic Elections
- Freedom of Movement
- Prevention of Corruption
- Freedom of Opinion and Expression
- State Must Take Necessary Steps to Give Effect to Rights
- Transparency and Access to Information
- Rule of Law

Macro-Level Obligation
Individual Rights and Freedoms
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Candidates and political parties are important stakeholders in the electoral process. In this section of the handbook, several interrelated issues regarding candidacy and campaigning are addressed. Not only do candidates have rights, they also represent the opinions and political voices of voters.

Given the central role of candidates and political parties in the electoral process, an assessment of the degree to which they are able to function freely, without inhibiting the rights of others, is important to evaluating the overall integrity of the election process. To function freely, candidates and parties must be able to associate, assemble, and communicate freely and operate in the context of a level playing field. For election observers, both citizen and international, most of the information collected about campaigning and candidate or party activities will be collected by long-term observers.

This section of the manual includes a range of issues related to candidates, parties, and campaigning, including:

- The establishment and regulation of political parties
- Candidacy
- Campaigning, including freedom of expression
- Transparency, access to information, and observation of campaigning
- The right to an effective remedy
- Campaign finance

A nonexhaustive list of illustrative questions for data collection on the assessment criteria outlined below can be found in Appendix C.
The Legal Framework and Candidacy and Campaigning

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The principles of rule of law were promoted.
Treaty sources provide that states should take measures to promote the principles of the rule of law. The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.

The laws regulating elections were equally enforced and were not arbitrarily applied.
Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights. International treaties have stated that the rule of law requires that all are equal before the law and that laws are equally enforced.

Interpretive sources have further stated that rule of law requires that laws and procedures are not arbitrarily applied.

The legal framework for elections was consistent with international human rights.
International treaties require, as a means to adhere to rule of law, that the legal framework be consistent with international human rights obligations.

Campaign finance regulation was consistent with the principles of the rule of law.
State practice sources note that the system of campaign finance must be established with respect for the rule of law, with all components of the system of party and candidate financing codified in the legal framework. Such legislation on political party and campaign finance should:

- Be clear, unambiguous and publicly available.
• Avoid conflicting provisions governing the activities of political parties and their financial activities\textsuperscript{608}

• Avoid conflicting provisions between laws governing the financing of national and subnational parties\textsuperscript{609}

• Cover fundamental issues such as sources of funding; private donations; public subsidies to political parties; the financing of election campaigns; and provisions for disclosure, reporting, monitoring, and enforcement\textsuperscript{610}

Establishment, Regulation of, and Membership in Political Parties

Key Obligations:

- Right and Opportunity to Be Elected
- Freedom of Association
- Freedom From Discrimination and Equality Before the Law

Citizens were able to establish and participate in political parties and other associations.

International treaties protect the right of freedom of association,\textsuperscript{611} which is particularly important in the context of candidacy and campaigning. Individuals should be able to freely associate for political purposes, including the creation of political parties or for voicing their support for specific candidate(s).\textsuperscript{612} Freedom of association may only be restricted under certain circumstances as are prescribed by law and are necessary in a democratic society.\textsuperscript{613} Lawful restrictions on this freedom may also be placed on members of the armed forces and police.\textsuperscript{614}

Regional treaties, supported by political commitments, state that all individuals and groups should have the right to establish their own political parties or political organizations\textsuperscript{615} on equal terms\textsuperscript{616} and that such association must be voluntary.\textsuperscript{617}

International treaties also state that this right must be enjoyed free from discrimination on the basis of prohibited grounds.\textsuperscript{618}
Political organizations were treated equally in being recognized and registering as a party.

Regional treaties, supported by political commitments, state that all individuals and groups should have the right to establish their own political parties or political organizations on equal terms and that such association must be voluntary.

Regional treaties provide that regardless of their ideological position, political parties should be treated equally in being recognized and registering as a party.

Interpretive sources emphasize that party registration should not be used as a means of silencing political movements that are opposed to the current government.

Political commitment sources further state that political parties should be assured that they will be able to compete with each other on an equal basis before the law.

Individual electoral rights could be enjoyed in community with others.

Interpretive sources state that some individual electoral rights, such as the freedom of association and rights of minorities, can be enjoyed in community with others and can give rise to claims of violations of the rights of others, which amounts to a violation of the individual’s own rights.

Regulations and deadlines for legal recognition of political parties were clearly specified. Registration requirements were not so stringent that they jeopardized freedom of association.

State practice sources note that states should legally recognize political parties for the effective exercise of related civil and political rights. Requirements for legal recognition should be clearly specified and realistic, and deadlines for applications for legal recognition should be clear. Further, state practice sources also indicate that any requirements should not be too burdensome, and they should be proportionate to its objective.

The grounds for rejecting registration of a party were based on objective criteria.

Sources indicative of state practice note that the grounds for rejecting a registration application should be based on objective criteria.

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References:

619 AU, ACHPR, art. 10; U.N. (CCPR), General Comment 25, para. 27
620 OSCE, Copenhagen Document, para. 7.6
621 U.N., UDHR, art. 20
622 CIS, Convention on Democratic Elections, art. 9(6)
624 OSCE, Copenhagen Document, art. 7.6
625 U.N. (CCPR), General Comment 31, para. 9
626 OSCE, Copenhagen Document, para. 7.6
627 Id.
628 Id.
629 CoE (Venice Commission), Parties in Elections, para. 15
630 CoE (Venice Commission), Legislation on Political Parties, para. B
Internal Party Policies

**Key Obligations:**
- **State Must Take Necessary Steps to Give Effect to Rights**

The participatory rights of citizens were protected and fulfilled by parties in their internal management.

In support of the obligation to take the steps necessary to give effect to rights, interpretive sources say that states should ensure that, in their internal management, political parties respect applicable obligations (i.e. provisions of ICCPR Article 25) in order to enable citizens to exercise their rights. This can be interpreted to require that there are procedures in place to ensure internal democratic processes.

Candidature

**Key Obligations:**
- **Right and Opportunity to Be Elected**
- **Freedom of Association**
- **Freedom From Discrimination and Equality Before the Law**
- **Rule of Law**

Every citizen had the right to be elected, subject only to reasonable restrictions.

International and regional treaties protect the right and opportunity of every citizen to be elected. The right to be elected may only be subject to objective and reasonable restrictions. Unreasonable restrictions include those based on excessive residency requirements; naturalized citizenship; criminal conviction (disproportionate to the severity of the crime or blanket disenfranchisement provisions); surpassing the legal age of majority; race, sex, religion; physical disability; political or other opinion; national or social origin; sexual orientation or gender identity; language.
birth or other status; literacy; education; property ownership; party membership; naturalized citizenship; status as an internally displaced person; economic circumstances; holding a position that does not constitute a conflict of interest if also holding elective office; and excessive monetary fees or deposits.

Interpretive sources state that the suspension or exclusion of participatory rights is prohibited unless the suspension/exclusion is established by law and is objective and reasonable.

Other state practice sources underscore the importance of a clear deadline after which the validity of candidatures cannot be challenged.

Candidacy requirements upheld freedom of association.

State practice sources suggest that if political parties are required to register with election authorities when contesting the election, any demands placed on them regarding registration should not be so stringent as to jeopardize their freedom of association.

The loss of the right to be elected was only imposed after adjudication by a court.

State practice sources also indicate that the loss of the right to be elected may only be imposed after adjudication by a court.

Citizens were able to support any and all candidates of their choice.

State practice sources also suggest that voters should be allowed to sign ballot qualification petitions for more than one candidate or party.

**Independent Candidacy**

**Key Obligations:**
- Right and Opportunity to Be Elected
- Freedom From Discrimination and Equality Before the Law

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646 U.N., ICCPR, arts. 2 and 25
647 U.N. (CCPR), General Comment 25, para. 10
648 U.N. (CCPR), General Comment 25, para. 10
649 U.N. (CCPR), General Comment 25, para. 10
650 U.N. (CCPR), General Comment 25, para. 10
651 U.N. (CCPR), General Comment 25, para. 3
652 UNGA, Guiding Principles on Internal Displacement, Principle 4.1
653 U.N., Human Rights and Elections, p. 65
654 U.N. (CCPR), General Comment 25, para. 16
655 U.N. (CCPR), General Comment 25, para. 16
656 U.N. (CCPR), General Comment 25, para. 4
657 Petit, Resolving Election Disputes, para. II.F.28
658 CoE (Venice Commission), Guidelines on Political Parties, para. III(5)
659 OSCE, Moscow Document, para. 18
660 OSCE (ODIHR), Existing Commitments, p. 63
Regulations regarding candidacy were the same for the independent and partisan actors.

Interpretive sources state that regulations regarding candidacy should be the same for independent and partisan actors.\textsuperscript{661} Individuals should not suffer discrimination because they are not affiliated with a political party.\textsuperscript{662}

**Female Candidates**

**Key Obligations:**

- Equality Between Men and Women

Female candidates participated in the electoral process on an equal basis with men.

International and regional treaties state that men and women should enjoy equal rights.\textsuperscript{663}

Interpretive sources state that women should be able to compete in electoral processes on an equal basis with men and that political parties should embrace the principles of equal opportunity for female candidates.\textsuperscript{664} Female candidates should receive adequate funds to campaign, which may require allocation of public funds.\textsuperscript{665} In addition, the state may develop training and mentoring programs for women candidates and women elected to public office as well as programs on leadership and negotiation skills for current and future women leaders.\textsuperscript{666}

**Equal Treatment of Candidates and Parties**

**Key Obligations:**

- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

Regulations for candidacy and campaigning were not discriminatory.

International and regional treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\textsuperscript{667} In addition, international law is clear that all are equal before the law and should enjoy the equal protection of the law.\textsuperscript{668}

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\textsuperscript{661} U.N. (CCPR), General Comment 25, para. 15
\textsuperscript{662} U.N. (CCPR), General Comment 25, para. 7
\textsuperscript{663} U.N. (CCPR), art. 3; AU, AfCHPR, art. 2(1)(a); EU, Charter on Fundamental Rights, art. 23
\textsuperscript{664} U.N. (CEDAW), General Recommendation 23, para. 22
\textsuperscript{665} U.N. (CEDAW), Concluding Observations, Ethiopia (2011), para. 27
\textsuperscript{666} U.N. (CEDAW), Concluding Observations, Oman (2011), para. 32
\textsuperscript{667} U.N., ICCPR, art. 25; U.N. (CEDAW), art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; IAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2)
\textsuperscript{668} U.N., ICCPR, art. 26
No one suffered discrimination or disadvantage of any kind because of their candidacy.

Interpretive sources note that no one should suffer from discrimination or disadvantage of any kind because of their candidacy. 669

Candidates and political parties were able to compete with each other on an equal basis.

Political commitment sources and state practice sources add definition to freedom from discrimination with regard to candidacy and campaigns by stating that:

• Political parties should be assured they will be able to compete with each other on an equal basis before the law. 670

• All political contestants should have an equal period of time in which to campaign. 671

• Procedures for ballot access should be nondiscriminatory. 672

• The legal framework should provide clear guidance with regard to the placement of candidates on the ballot. 673

• All candidates and parties should be given equal time in which to campaign, and new parties should be able to compete under fair conditions with more well-established parties. 674

Political commitment sources suggest that parties – well established or new, large or small – be able to compete with each other on an equal basis before the law. 675

Special Measures

Key Obligations:

● Freedom From Discrimination and Equality Before the Law
● Equality Between Men and Women

The state took steps to ensure de facto equality between men and women.

Treaty sources make it clear that women should enjoy equal rights to men 676 and that in some cases states should take temporary special measures to achieve de facto equality for women. 677

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include financially assisting and training women candidates, amending electoral procedures,

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669 U.N. (CCPR), General Comment 25, para. 15
670 OSCE, Copenhagen Document, art. 7.6
671 OSCE (ODIHR), Observation Handbook (Ed. 5), p. 47
672 OSCE (ODIHR), Existing Commitments, p. 63
673 OSCE (ODIHR), Legal Framework (Ed. 1), p. 16
674 CoE (Committee of Ministers), Rec. 1516(2001) on Financing Political Parties, para. 8(A)(iii)
675 OSCE, Copenhagen Document, para. 7.6
676 U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); CoE, ECHR, art. 23
677 U.N., CEDAW, art. 3
developing campaigns directed at equal participation, and targeting women for appointment to public positions or using quotas to ensure female participation in public affairs.678

Interpretive sources also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory.679

In the context of candidates and campaigning this may require that parties take active steps to ensure women are included on party lists, quotas, etc. Interpretive sources also indicate that it may even require that specific systems be used to ensure that women can participate equally, e.g., the alternation of male and female candidates on party lists.680

Special measures were taken, as necessary, to promote equality for minorities.

International treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken when the circumstances warrant. Such measures should not be considered discriminatory,681 should not be maintained after the objectives for which they were taken are met, and should not result in the maintenance of unequal rights for different groups.682 In the context of candidacy and campaigning, this may include measures to ensure that minorities are able to campaign for reserved seats as well as general seats.

Special measures were taken to ensure de facto equality for people with disabilities.

Treaties obligate states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability.683 Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory.684 Other treaty sources also call on states to recognize that women and girls with disabilities are subject to multiple discrimination.685

Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected.686

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678 U.N., CEDAW, General Recommendation 23, para. 15
679 U.N. (CCPR), General Comment 28, para. 29
681 U.N., ICERD, art. 1
682 U.N., ICERD, art. 1
683 U.N., CRPD, art. 4
684 U.N., CRPD, art. 5(4)
685 U.N., CRPD, art. 6 (1)
Equal Access to Public Places

Key Obligations:
● Freedom From Discrimination and Equality Before the Law

Public places were accessible to all in a nondiscriminatory fashion.

International treaties state that everyone has the right of equal access to any place or service intended for use by the public, including public places that may be used for campaigning purposes.

State practice sources add that political associations should have equal opportunity to access public facilities.

Freedom of Opinion and Expression for Political Candidates and Their Supporters

Key Obligations:
● Freedom of Opinion and Expression

Freedom of opinion and expression was protected throughout the campaign process.

International treaties provide that everyone has the right to freedom of expression in order to share information and ideas of all kinds, whether through public speech or other means. Freedom of expression may only be restricted under certain circumstances that are prescribed by law and are necessary in a democratic society. In addition to the establishment of these acceptable limitations, regional treaties offer specific guidance to ensure that free communication and circulation of ideas may not be restricted by indirect means (such as abuse of regulatory controls over the media).

Political commitment sources suggest that candidates and their supporters should be able to freely communicate their ideas through all forms of the media, including the Internet. They also extend freedom of expression to include unhindered communication with international bodies, such as those providing electoral assistance, on matters of human rights.

Political parties were able to communicate their opinions to the electorate.

International treaties provide that parties and candidates must be able to communicate their opinions to the electorate.
Interpretive sources further state that there should be free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives.\(^{695}\)

**Advocacy of Hatred and Incitement to Violence**

*Key Obligations:*
- Freedom of Association
- Freedom of Opinion and Expression

Advocacy of national, racial, and religious hatred that constituted incitement to discrimination, hostility, or violence was prohibited by law, and the law was enforced.

International treaties allow that the freedom of expression may be restricted when an expression seeks to destroy other established rights\(^{696}\) and when the rights and freedoms of others should be protected.\(^{697}\) Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence should be prohibited by law, and the law should be enforced.\(^ {698}\)

State practice sources further provide that states may prohibit political parties that advocate the use of violence.\(^{699}\) This would not necessarily constitute a violation or unreasonable restriction on the freedom of association.

**Campaign Silence Period**

*Key Obligations:*
- Freedom of Opinion and Expression

If a campaign silence period was imposed, it was reasonable in length.

Political commitments suggest that a campaign silence period may be instituted immediately in advance of polling day, allowing voters to exercise their franchise freely and without undue pressure.\(^{700}\) This is not to be considered a violation of freedom of expression but should not be imposed for overly long periods of time.

**Campaigning Without Interference**

*Key Obligations:*
- Freedom of Assembly

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\(^{695}\) U.N. (CCPR), General Comment 25, para. 25

\(^{696}\) U.N., ICCPR, art. 5(1); OAS, ACHR, art. 29(a-b)

\(^{697}\) U.N., ICCPR, art. 25

\(^{698}\) U.N., ICCPR, art. 20(2); OAS, ACHR, art. 13(5)

\(^{699}\) CoE (Venice Commission), Guidelines on Prohibition, para. 1(3)

\(^{700}\) CoE (Committee of Ministers), Rec. on Measures Concerning Media Coverage During Elections, para. 3.1
Candidates and their supporters were able to assemble freely throughout the campaign period. This obligation included organizing and participating in public rallies and peaceful campaign activities.

International and regional treaties protect the right to freedom of assembly.\textsuperscript{701}

Political commitment sources state that political parties, candidates, and citizens should have the right to organize and participate in public rallies and conduct legitimate campaigning without undue influence.\textsuperscript{702}

State practice sources indicate that freedom of peaceful assembly is particularly important during campaigning, when communication between citizens and political leaders is a central focus.\textsuperscript{703}

Restrictions on the campaign activities were nondiscriminatory and subject to prompt independent and impartial judicial review.

Interpretive sources provide that restrictions on the right to assemble should be nondiscriminatory. Where regulatory measures such as those requiring systems of permits or prior notification of assemblies are used, their application must not go beyond the mentioned measures.\textsuperscript{704}

This is supported by sources indicative of state practice, which suggest that any restrictions must be subject to independent, impartial, and prompt judicial review.\textsuperscript{705}

**Freedom of Movement for Political Candidates and Their Supporters**

**Key Obligations:**
- **Freedom of Movement**

Freedom of movement was respected for all electoral stakeholders, including candidates, parties, and their supporters during the campaign period.

International treaties state that everyone has the right to freedom of movement within the borders of each state, including candidates, voters, citizen observers, and poll workers who need to be able to move about the territory.\textsuperscript{706} The right of freedom of movement may

\textsuperscript{701} U.N., ICCPR, art. 21; AU, ACHPR, art. 11; OAS, ACHR, art. 15; LAS, Arab Charter, art. 24; CoE, ECHR, art. 11(1); CIS, Convention on Human Rights, art. 12(1)

\textsuperscript{702} OSCE, Copenhagen Document, para. 9.2; IPU, Declaration on Criteria for Free and Fair Elections, art. 4

\textsuperscript{703} OSCE (ODIHR), Guidelines on Freedom of Peaceful Assembly, para. 1.1.5

\textsuperscript{704} U.N. (CCPR), Concluding Observations on Cyprus (1994), paras. 312–333


\textsuperscript{706} U.N., ICCPR, art. 12; AU, ACHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); CIS, Convention on Human Rights, art. 22(1)
only be restricted when provided by law, necessary in a democratic society and consistent with other rights.\textsuperscript{707}

State practice sources indicate that freedom of movement must be respected in the context of candidacy and campaigning, including political rallies and meetings.\textsuperscript{708}

**Observation of the Campaign Period**

**Key Obligations:**

- **Right and Opportunity to Participate in Public Affairs**

Citizens were able to participate in public affairs through political parties and nongovernmental organizations.

International and regional treaties state that all people have the right to participate in the public affairs of their country.\textsuperscript{709} The right and opportunity to participate in public affairs are widely recognized obligations in public international law. This includes the right of individuals to join nongovernmental organizations, including those that observe elections.

**Election observers were able to observe the campaign process.**

Regional treaties state that observers, both citizen and international, can enhance all aspects of the electoral process, including those related to candidacy and campaigning.\textsuperscript{710}

**Transparency and Access to Electoral Documents**

**Key Obligations:**

- **Transparency and Access to Information**

The right of access to information was protected for everyone.

Treaty sources guarantee the right of access to information—which is born from the guarantee that the right to free expression includes the ability for everyone to seek and receive information and ideas.\textsuperscript{711} States should take steps to ensure access to information for people with disabilities without additional cost.\textsuperscript{712}

\textsuperscript{707} U.N., ICCPR, art. 12; AU, AfCHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); CIS, Convention on Human Rights, art. 22(1)

\textsuperscript{708} IPU, Declaration on Criteria for Free and Fair Elections, art. 4(3)

\textsuperscript{709} U.N., ICCPR, art. 25(a); AU, AfCHPR, art. 13(1); OAS, ACHR, art. 23(1)

\textsuperscript{710} AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25

\textsuperscript{711} U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)

\textsuperscript{712} U.N., CRPD, art. 9(6)
The state proactively put in the public domain government information of public interest.

International treaties maintain that states should proactively put in the public domain government information of public interest.\textsuperscript{713} This would include information regarding the electoral process.

**Right to an Effective Remedy for Candidates and Parties**

*Key Obligations:*

- **Right to an Effective Remedy**

There was a timely and effective means of seeking redress for violations of rights regarding candidacy and campaigning.

Treaty sources state that everyone has the right to an effective (timely and enforceable)\textsuperscript{714} remedy before a competent tribunal for acts that violate their rights or freedoms.\textsuperscript{715} The right to an effective remedy is fundamental to ensuring all other human rights may be fulfilled.

Interpretive sources further provide that cessation of a violation is an essential element of an effective remedy.\textsuperscript{716}

Parties were granted an opportunity to challenge state decisions that restrict their formation and activities.

State practice sources indicate that, in the context of candidacy and campaigning, parties and candidates should be granted an opportunity to challenge state decisions that restrict their formation or activities.\textsuperscript{717}

**Security of the Person for Candidates, Parties, and Their Supporters**

*Key Obligations:*

- **Right to Security of the Person**

The right to security of the person was enjoyed by all electoral stakeholders, including candidates, party members, and their supporters.

Treaty sources provide that everyone has the right to security of the person without arbitrary arrest or detention.\textsuperscript{718} Clearly, this right includes the campaign period and the activities of campaigns.

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\textsuperscript{713} U.N., UNCAC, art. 10  
\textsuperscript{714} U.N., ICCPR, art. 2; AU, AfCHPR, art. 7  
\textsuperscript{715} U.N., ICCPR, art. 2(3); OAS, ACHR, art. 25(1); CoE, ECHR, art. 13  
\textsuperscript{716} U.N. (CCPR), General Comment 31, para. 15  
\textsuperscript{717} CoE (Venice Commission), Legislation on Political Parties, para. E  
\textsuperscript{718} U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); LAS, Arab Charter, art. 14(1-2); CoE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1)
Interpretive sources note that female candidates can be subject to greater intimidation and coercion than their male counterparts.\textsuperscript{719}

State practice sources indicate that candidates should not engage in violence\textsuperscript{720} and that law enforcement should behave in a neutral manner.\textsuperscript{721}

**The Election Calendar and Enjoyment of Rights**

**Key Obligations:**
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights

The election schedule provided adequate time for the registration of candidates and campaigning, as well as the resolution of any complaints prior to election day.

State practice sources indicate that when scheduling elections, adequate time should be allowed to successfully implement other necessary parts of the election,\textsuperscript{722} including campaigning.\textsuperscript{723}

**Regulation of Campaign Contributions**

**Key Obligations:**
- Right and Opportunity to Be Elected
- Freedom of Opinion and Expression

There were clear rules and regulations regarding the acceptable sources of financial donations.

Political commitment sources indicate that measures taken by states to govern donations to parties can include rules to:

- Avoid conflicts of interest\textsuperscript{724}
- Ensure transparency of donations\textsuperscript{725}
- Avoid prejudice to the activities of parties\textsuperscript{726}
- Ensure the independence of the party\textsuperscript{727}

They add that the state can regulate the contributions of legal entities\textsuperscript{728} and that the rules concerning donations to political parties should apply, as appropriate, to other entities associated with political parties.\textsuperscript{729}

\textsuperscript{719} U.N. (CEDAW), Concluding Remarks on Timor Leste (2009), para. 39
\textsuperscript{720} IPU, Declaration on Free and Fair Elections, art. 3(9)
\textsuperscript{721} EU, Handbook (Ed. 2), p. 52
\textsuperscript{722} U.N., Human Rights and Elections, para. 75
\textsuperscript{723} U.N., Human Rights and Elections, para. 108
\textsuperscript{724} CoE (Committee of Ministers), Recommendation (2003)4, art. 3(a)
\textsuperscript{725} CoE (Committee of Ministers), Recommendation (2003)4, art. 3(b)
\textsuperscript{726} CoE (Committee of Ministers), Recommendation (2003)4, art. 3(a)
\textsuperscript{727} CoE (Committee of Ministers), Recommendation (2003)4, art. 3(a)
\textsuperscript{728} CoE (Committee of Ministers), Recommendation (2003)4, art. 3(b)
\textsuperscript{729} CoE (Committee of Ministers), Recommendation (2003)4, art. 6
State practice sources state that public laws should prohibit only those forms of fundraising that have no connection to the party's raison d'être.\(^{730}\)

The state regulated foreign funding of candidates and parties but did not limit contributions by nationals living abroad.

Regional treaties oblige states to regulate funding by foreign donors, but in order to prevent discrimination, states should not limit contributions by nationals living abroad.\(^{731}\)

Candidates could contribute to their own campaigns, subject to reasonable limitations.

State practice sources indicate that within reasonable limitations, candidates should be able to contribute to their own campaigns.\(^{732}\)

Reasonable limitations were imposed on private contributions.

Political commitments provide that reasonable limitations may be placed on private funding contributions to level the playing field during campaign activities.\(^{733}\) Additionally, states should consider limiting or prohibiting donations from anonymous sources.\(^{734}\)

Other state practice sources suggest that limits on private contributions may consist of a maximum threshold on the amount of money that may be accepted from a single source\(^{735}\) and a limit on the total sum of acceptable private donations.\(^{736}\)

State practice sources add that cash donations should be prohibited.\(^{737}\) States should consider introducing rules that define acceptable sources of donations to political parties and/or candidates.\(^{738}\) Low-value donations may be excluded from the obligation to refuse anonymous donations.\(^{739}\)

**Public Funding for Election Campaigns**

**Key Obligations:**
- Right and Opportunity to Be Elected
- Freedom From Discrimination and Equality Before the Law

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\(^{730}\) van Biezen, Guidelines, p. 70  
\(^{731}\) CIS, Convention on Democratic Elections, art. 12(3)  
\(^{732}\) CoE (Venice Commission), Parties in Elections, para. 31  
\(^{733}\) CoE (Committee of Ministers), Recommendation (2003)4, art. 3(b)  
\(^{734}\) CoE (Congress of Local and Regional Authorities), Resolution 105(2000) on Financial Transparency of Political Parties, para. 16  
\(^{735}\) van Biezen, Guidelines, p. 22  
\(^{736}\) van Biezen, Guidelines, p. 22  
\(^{737}\) van Biezen, Guidelines, p. 59  
\(^{738}\) van Biezen, Guidelines, p. 22  
\(^{739}\) van Biezen, Guidelines, p. 26
Both the state and citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party.

Political commitment sources suggest that both the state and its citizens are entitled to provide support to candidates and political parties. However, state and citizen support should not interfere with the independence of the political party. State support may be financial, and the state may contribute, directly or indirectly, to the operational costs of party activities, election campaigns, and the functioning of parliamentary party groups. However, state support should be limited to reasonable contributions.

State support of candidates was available on an equitable basis and was distributed according to an objective, fair and reasonable formula.

Political commitment sources also suggest that the formula for the distribution of state support be objective, fair, and reasonable. If election campaign expenses are reimbursed by the state, the state should ensure that the system of such reimbursement is sufficiently well-developed to permit elections to take place in a pluralistic climate.

State practice sources suggest that if public funds are distributed to political parties and candidates, those funds should be available on an equitable basis.

**Private Funding for Campaigns**

**Key Obligations:**
- Right and Opportunity to Be Elected
- Right and Opportunity to Participate in Public Affairs
- Freedom of Opinion and Expression

Citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party.

Political commitment sources suggest that both the state and its citizens are entitled to provide support to candidates and political
parties. However, state and citizen support should not interfere with the independence of the political party.

**The system for regulating private financial contributions ensured equality of freedom to raise private funds.**

Where private funding contributions are allowed, the system should be designed to ensure equality of freedom to raise private funds.

### Campaign Expenditures

**Key Obligations:**

- Right and Opportunity to Be Elected
- Freedom From Discrimination and Equality Before the Law

There were limits imposed on campaign expenditures.

Interpretive sources indicate that states should consider imposing reasonable limits on campaign expenditure where it is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure on behalf of any candidate or party.

All candidates were treated equitably with regard to campaign finance and expenditures.

Sources indicative of state practice further note that where legislation allows for public funding, private funding, or a mix of the two, legislation should ensure that all political parties and candidates are treated equitably with respect to campaign finance and expenditures.

### Disclosure of Campaign Finances

**Key Obligations:**

- Transparency and Access to Information
- Prevention of Corruption

The funding received by a political party and/or candidate was disclosed in regular reports.

Regional treaty sources state that funding received by any political party or candidate should be disclosed in reports submitted at regular intervals.

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748 CoE (Committee of Ministers), Recommendation (2003)4, art. 1
749 International IDEA, Legal Framework, p. 67
750 U.N. (CCPR), General Comment 25, para. 19
752 CIS, Convention on Democratic Elections, art. 12(4)
753 CIS, Convention on Democratic Elections, art. 12(5)
State practice sources suggest that campaign finance reports be timely, public, detailed and comprehensive, and understandable to the public at large.\textsuperscript{754} To ensure timeliness, states should require that election campaign reporting schedules allow release of the report in advance of election day.\textsuperscript{755}

In addition, political commitments suggest that states should require records of expenditure;\textsuperscript{756} that parties present and make public their accounts;\textsuperscript{757} that the accounts of political parties specify all donations received by the party, including the nature and value of the donation;\textsuperscript{758} and that parties and related entities keep proper books and accounts. The accounts of parties should be consolidated and should include the accounts of said related entities.\textsuperscript{759}

Additional state practice sources suggest that adequate disclosure in the context of campaign finance requires the adoption of separate reporting requirements for operational and electoral activities\textsuperscript{760} as well as a requirement to keep special records for direct and indirect contributions to campaigns.\textsuperscript{761} Parties should also offer access to their foundational documents, procedures, and accounts.\textsuperscript{762}

**Disclosure provisions should clearly identify what counts as campaign expenditure.**

These state practice sources provide that legislation should distinguish between income and expenditure,\textsuperscript{763} require disclosure of all donations exceeding a certain minimum threshold,\textsuperscript{764} and require itemization of donations into standardized categories.\textsuperscript{765}

In addition, disclosure provisions should distinguish between the financing of political parties and the financing of candidates\textsuperscript{766} as well as between routine party finances and electoral finances.\textsuperscript{767} Disclosure rules should also include both national and local party finances.\textsuperscript{768}

\begin{itemize}
  \item \textsuperscript{754} Transparency International, Reporting and Public Disclosure, p. 2
  \item \textsuperscript{755} van Biezen, Guidelines, p.61
  \item \textsuperscript{756} CoE (Committee of Ministers), Recommendation (2003)4, para. 10
  \item \textsuperscript{757} CoE (Committee of Ministers), Recommendation (2003)4, para. 13
  \item \textsuperscript{758} CoE (Committee of Ministers), Recommendation (2003)4, para. 12(a)
  \item \textsuperscript{759} CoE (Committee of Ministers), Recommendation (2003)4, para. 11
  \item \textsuperscript{760} CoE (Venice Commission), Report on the Participation of Political Parties, para. 30
  \item \textsuperscript{761} van Biezen, Guidelines, p. 61
  \item \textsuperscript{762} CoE (Venice Commission), Good Practice in the Field of Political Parties, para. 2.20
  \item \textsuperscript{763} van Biezen, Guidelines, p. 55
  \item \textsuperscript{764} van Biezen, Guidelines, p. 55
  \item \textsuperscript{765} van Biezen, Guidelines, p. 55
  \item \textsuperscript{766} van Biezen, Guidelines, p. 55
  \item \textsuperscript{767} van Biezen, Guidelines, p. 55
  \item \textsuperscript{768} van Biezen, Guidelines, p. 55
\end{itemize}
In addition, state practice sources also indicate that regulations should clearly identify a campaign expenditure and an established campaign period for the purposes of recording expenditure.

Campaign finance reporting requirements were realistic, and disclosure requirements struck a balance between transparency and the privacy of donors.

State practice sources clarify that while detailed reports are clearly necessary, it is also important that the requirements for financial reporting of electoral activity be realistic. In all cases, disclosure regulations should strike a balance between transparency and privacy.

**Misuse of State Resources**

**Key Obligations:**
- Right to Security of the Person
- Prevention of Corruption

There was a balanced and transparent system for political party financing.

International treaties identify the importance of the prevention of corruption in the context of campaign financing and note that states should foster a balanced and transparent system of political party financing.

Public resources were not abused in support of a particular party or candidate.

Political commitment sources make clear that material public resources should not be abused in support of a particular political party or candidate and that parties may not receive clandestine or fraudulently obtained financial aid.

The law was clear regarding the extent to which public employees could be involved in a campaign. Public employees were not coerced into voting for a particular candidate or party.

State practice sources suggest the law should also be clear regarding the extent to which public employees may be involved in a campaign. Public employees should not be coerced to...
vote for a particular party or candidate. Additionally, electoral legislation should include procedures and penalties aimed at preventing corruption.

**Independent Body to Monitor Campaign Finances**

**Key Obligations:**

- *State Must Take Necessary Steps to Give Effect to Rights*

The state took steps to provide for independent monitoring of campaign and political financing.

Political commitment sources suggest that the state should provide for the independent monitoring of campaign and political finance.

State practice sources suggest that legislation on an independent monitoring body should define:

- The procedure for appointing members to the monitoring body
- The definition of their specific powers and activities
- The types of breaches of the law to be sanctioned
- Procedures for appeal against decisions of the agency

Other state practice sources add that the monitoring body should have security of funding, be free from political pressure, and should have autonomous capacity to seek out violations. Further, state practice sources indicate that it is important that the monitoring body provide accessible and timely information and respect human rights. As one concrete measure to ensure freedom from political influence, members should not be eligible for reappointment.

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777 U.N. (CPPR), General Comment 25, para. 20  
778 U.N., Human Rights and Elections, para. 118  
779 CoE (Congress of Local and Regional Authorities), Res. 105(2000), para. 11  
780 van Biezen, Guidelines, p. 64  
781 van Biezen, Guidelines, p. 64  
782 van Biezen, Guidelines, p. 64  
783 Transparency International, Policy Position No. 2/2005, p. 4  
784 Transparency International, Policy Position No. 2/2005, p. 3  
786 Transparency International, Policy Position No. 2/2005, p. 4  
787 Transparency International, Policy Position No. 2/2005, p. 4  
788 van Biezen, Guidelines, p. 66
Sanctions for Campaign Finance Violations

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights

Violations of rules regarding political and campaign finance were subject to proportionate and effective sanctions. Political commitment sources suggest that states should also require that the infringement of rules regarding party funding be subject to effective and proportionate sanctions. One way states can facilitate this requirement is to promote specialization of branches of the government in the fight against illegal campaign funding.

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789 CoE (Committee of Ministers), Recommendation (2003)4, art. 16
790 CoE (Committee of Ministers), Recommendation (2003)4, art. 15
Section 7

The Media

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Equality Between Men and Women
- Freedom of Movement
- Right to an Effective Remedy
- Freedom of Opinion and Expression
- Periodic Elections
- Transparency and Access to Information
- Prevention of Corruption
- Right to Security of the Person
- State Must Take Necessary Steps to Give Effect to Rights
- Freedom From Discrimination and Equality Before the Law
- Rule of Law

Macro-Level Obligation

Individual Rights and Freedoms

Process-Focused Obligations

Foundational Obligations
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Freedom From Discrimination and the Media 140
Private Media Regulations 141
Free Airtime and Paid Advertising 141
Freedom of Movement and the Media 142
Safety, Security, and the Media 142
Right to an Effective Remedy and the Media 143
The media play a complex role in the electoral process, providing information to voters and a platform to parties and candidates while also serving a “watchdog” function. These roles require that the rights of members of the media be protected while at the same time requiring that the media respect the rights of others.

Assessments of the media during an electoral process may focus on one or more of the different roles of media, though most often media assessments focus on evaluating the media’s coverage of candidates and campaigns.

The following section of the manual provides guidance on a number of electoral issues regarding the media, including:

• The legal framework for the media
• Independence of the media
• Freedom of expression and the media
• Campaigning and the media
• The right to an effective remedy

A nonexhaustive list of illustrative questions for data collection on the assessment criteria is included in Appendix C.

Refer to the ACE Electoral Knowledge Network for more information on the media and elections.
The Legal Framework and the Media

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law. The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties have stated that the rule of law requires that all are equal before the law and that laws are equally enforced. Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources state further that rule of law requires that laws and procedures are not arbitrarily applied.

The legal framework for elections was consistent with international human rights.

International treaties require that the legal framework be consistent with international human rights obligations.

Pluralistic and Balanced Media

Key Obligations:
- Transparency and Access to Information
- Freedom From Discrimination and Equality Before the Law

A pluralistic media promoted citizen access to information, and the media was free to play an impartial and objective role in covering electoral issues.

Treaty sources indicate that while the media must be provided access to information, the state has a responsibility to promote access to information by ensuring a pluralistic media that allows citizens access to a variety of viewpoints and media outlets.

Refer to the Legal Framework section of this handbook for more information.

791. U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble.
792. UNGA, Millennium Declaration; UNGA, Resolutions on the Rule of Law; OAS, IADC, arts. 3 and 4; and OSCE, Copenhagen Document, para. 3.
793. U.N., ICCPR, art. 26; AU, ACHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1).
795. U.N. (CCPR), General Comment 25, para. 4.
796. U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1.
797. EU, Charter on Fundamental Rights, art. 11(2).
Interpretive sources further note that the state should promote media pluralism and be prevented from having a monopoly on media and that licensing regulations should not be used as a means of stifling freedom of expression or access to information.

Political commitments suggest that public service media should ensure that the public receive adequate and politically balanced information during election periods.

The structure of media ownership was transparent so that citizens could better understand potential biases in their information sources.

Political commitments indicate that the structure of media ownership should be transparent so that individuals are aware of the potential biases in their information sources.

Space in the media existed for political debate.

Sources indicative of state practice suggest that sufficient media space should be guaranteed to allow for the open questioning and debate between political leaders and candidates.

**Independence of the Media**

**Key Obligations:**

- Freedom of Opinion and Expression

There were no restrictions on people who may practice journalism by the state, though journalists may have regulated themselves.

Interpretive sources allow regulation or accreditation of journalists only in ways that regulate access to certain places or events. These schemes should be nondiscriminatory and should use reasonable and objective criteria.

State practice sources further recommend that restrictions on who may practice journalism should be unlawful.

Editorial independence was protected, and the government did not abuse resources or influence to exert control over media content.

Interpretive sources provide that public media outlets should be guaranteed independence and editorial freedom, and the provision of funding should not undermine this independence.
Political commitments indicate that editorial independence should be protected from political or economic interference. The political commitments dictate that government officials should not abuse resources or influence to exert control over media content. The media was able to express criticisms of the government. Interpretive sources provide that the freedom of expression and opinion for the journalists and the media outlets for which they work should include the ability to express criticisms of the government.

The media was not held liable for the reproduction of untrue statements made by others. State practice sources emphasize that the journalists and the media outlets for which they work should not be held liable for the reproduction of untrue statements made by others.

**Independent Body to Regulate Broadcasting During Elections**

*Key Obligations:*

- State Must Take Necessary Steps to Give Effect to Rights

The state took the steps necessary to guarantee rights with regard to the media; for example, through the establishment of an independent body to regulate election broadcasts. Treaty sources oblige states to take the steps necessary to give effect to human rights. The obligation upon states to take the steps necessary to give effect to human rights applies to the entire electoral process and all electoral rights.

Interpretive sources indicate that necessary steps taken to ensure rights in the context of the media environment may include the establishment of an independent body to regulate broadcasts.

The appointment and functioning of regulatory authorities of the media were transparent, and they were independent and protected from political interference. The media regulatory body acted in a transparent and impartial manner.

Political commitments recommend that states take steps to ensure that the appointment and functioning of regulatory authorities

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807 CoE (Committee of Ministers), Declaration on the guarantee of independence of public service broadcasting, para. 11
808 OAS, Inter-American Principles on Freedom of Expression, Principle 13
809 U.N. (CCPR), General Comment 34, para. 38
810 CoE (Venice Commission), Guidelines on Media Analysis, p. 8
811 U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
812 U.N. (CCPR), General Comment 34, para. 39
are transparent\textsuperscript{813} and that such authorities are independent and protected from interference\textsuperscript{814}.

State practice sources also suggest that creating a media regulatory body that acts in an impartial and transparent manner can be beneficial during elections\textsuperscript{815}.

**Freedom of Expression and the Media**

**Key Obligation:**

- Freedom of Opinion and Expression

Freedom of opinion and expression by the media was respected throughout the electoral process. In addition, the media respected the freedom of opinion and expression of others.

International treaties provide for freedom of expression as the right for everyone—including political parties and candidates—to seek, receive, and impart ideas through any means of their choice, including but not limited to writing, speech, print, art,\textsuperscript{816} or the Internet. Freedom of expression may only be restricted under certain circumstances prescribed by law and necessary in a democratic society\textsuperscript{817}. Such restrictions include those that:

- Are in the interests of national security\textsuperscript{818}
- Protect territorial integrity\textsuperscript{819}
- Are in the interests of public safety\textsuperscript{820}
- Maintain the authority and impartiality of the judiciary\textsuperscript{821}
- Prevent disclosure of information received in confidence\textsuperscript{822}

Regional treaties state that freedom of expression should not be limited by the imposition of prior censorship,\textsuperscript{823} abuse of government, or private control over the media\textsuperscript{824}.

Free communication of information and ideas about public and political issues took place between citizens, candidates, and elected representatives.

Interpretive sources reinforce that free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is necessary\textsuperscript{825}.

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\textsuperscript{813} AU, Principles on Freedom of Expression, art. 7.2
\textsuperscript{814} AU, Principles on Freedom of Expression, art. 7
\textsuperscript{815} EU, Handbook (Ed. 2), p. 56
\textsuperscript{816} U.N., ICCPR, art. 19(2); AU, Principles on Freedom of Expression in Africa, art. 1(1); OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)
\textsuperscript{817} U.N., ICCPR, art. 19; OAS, ACHR, art. 13(2)(b); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)
\textsuperscript{818} U.N., ICCPR, art. 19
\textsuperscript{819} CoE, ECHR, art. 10(2)
\textsuperscript{820} CoE, ECHR, art. 10(2)
\textsuperscript{821} CoE, ECHR, art. 10(2)
\textsuperscript{822} CoE, ECHR, art. 10(2)
\textsuperscript{823} OAS, ACHR, art. 13(3)(b)
\textsuperscript{824} OAS, ACHR, art. 13(3)
\textsuperscript{825} U.N. (CCPR), General Comment 25, para. 25
Hate Speech and Incitement to Violence

Key Obligations:
- **Freedom of Opinion and Expression**

Advocacy of national, racial, or religious hatred that constituted incitement to discrimination, hostility, or violence was prohibited by law, and the law was enforced.

International treaties note that freedom of expression may be restricted when an expression seeks to destroy other established rights, and when the rights and freedoms of others must be protected. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence should be prohibited by law.

**Defamation**

Key Obligations:
- **Freedom of Opinion and Expression**

Claims of defamation were not used to suppress freedom of expression or to stifle the media or public debate and were not used to silence criticism of the government or its institutions.

Interpretive sources provide that defamation laws should not equal de facto suppression of freedom of expression. Interpretive sources state that claims of defamation made by political figures and public officials should be subject to greater scrutiny than those made by other citizens. The state should not prevent criticism of institutions, such as the army or administration, and laws should not be more severe solely on the basis of the person who may have been impugned.

Political commitments clearly establish that the expression of an opinion or of a true statement may never constitute a valid claim of defamation.

Remedies for defamation were proportionate and not excessively punitive.

Interpretive sources say that there should be a range of remedies available in the case of defamation. The application of the criminal law in cases of defamation should only be considered in the

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826 U.N., ICCPR, art. 5(1)
827 U.N., ICCPR, art. 19(3); OAS, ACHR, art. 13(2)(a); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)
828 U.N., ICCPR, art. 20; OAS, ACHR, art. 13(5)
829 U.N. (CCPR), General Comment 34, paras. 42 and 47
830 U.N. (CCPR), General Comment 34, para. 38
831 U.N. (CCPR), General Comment 34, para. 38
832 AU, Principles on Freedom of Expression, art. 12
most serious of cases, and imprisonment is never an appropriate penalty.\textsuperscript{833} All remedies provided for defamation should be proportional and not excessively punitive.\textsuperscript{834}

**Opinion Polls**

*Key Obligations:*

● Freedom of Opinion and Expression

The release of opinion polls was subject only to reasonable restrictions.

Interpretive sources state that the restrictions on the publication of opinion polls for a limited period until polling is complete do not constitute a violation of freedom of expression.\textsuperscript{835}

**Campaign Silence Period**

*Key Obligations:*

● Freedom of Opinion and Expression

If there was a campaign silence period, it was of reasonable duration.

Political commitments suggest that a silent period may be instituted immediately in advance of polling day, allowing voters to exercise their franchise freely and without undue pressure.\textsuperscript{836}

**Voter Education and Debates**

*Key Obligations:*

● Freedom of Opinion and Expression

The media aired debates between candidates and provided voter education.

State practice sources indicate that reasonable limitations may be imposed on the media’s right to free expression in order to ensure the fulfillment of other rights. For example, the media may be required to provide voter education and to air debates between candidates.\textsuperscript{837}

\textsuperscript{833} U.N. (CCPR), General Comment 34, paras. 42 and 47
\textsuperscript{834} U.N. (CCPR), General Comment 34, para. 42
\textsuperscript{835} U.N. (CCPR), Kim Jong-Cheol v. Republic of Korea (2001), para. 8.3
\textsuperscript{836} CoE (Committee of Ministers), Recommendation on media coverage of election campaigns, para. III
\textsuperscript{837} EU, Handbook (Ed. 2), p. 54
Access to Electoral Information

Key Obligations:

- Transparency and Access to Information

The right of access to information was respected throughout the electoral process, including its relation to the media.

International treaties protect a right of transparency and access to information that is born from the guarantee that the right to free expression includes the ability for everyone to seek and receive information and ideas. Only certain limited restrictions may be placed on transparency and access to information.

The state proactively put in the public domain government information of public interest.

International treaties indicate that states should proactively put in the public domain government information of public interest. This should include information regarding the electoral process.

Protection of Sources

Key Obligations:

- Transparency and Access to Information
- Prevention of Corruption

The media was able to report on electoral issues, including from confidential sources without government interference.

International treaties oblige states to consider measures aimed at protecting whistle-blowers. Interpretive sources further indicate that the right of the media to gather information—including information from confidential sources—without government interference should be assured.

The media was given access to information, particularly with regard to allegations of corruption and related offenses.

Regional treaties state that given the important role media plays in providing information to the electorate, the media should be given access to information, particularly in cases of corruption and related offenses. This should include information regarding the electoral process.

838 U.N., ICCPR, art. 19; AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13
839 U.N., UNCAC, art. 10
840 U.N., UNCAC, art. 33
841 U.N. (CCPR), General Comment 34, para. 45
842 AU, Convention on Corruption, art. 12
Freedom From Discrimination and the Media

Key Obligations:
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The regulation of the media promoted equality and absence of discrimination.

International treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\(^{843}\) In addition, international law is clear that all are equal before the law and should enjoy the equal protection of the law.\(^{844}\)

Interpretive sources clarify that the state is obligated to perform both its “negative duty” to refrain from discrimination and its “positive duty” to prevent discrimination.\(^{845}\) This presumably includes ensuring freedom from discrimination in regulation of the media.

Political parties and candidates had access to the public media on a nondiscriminatory basis.

Interpretive sources indicate that in order to promote equality political parties and candidates must have access to the public media on a nondiscriminatory basis and that airtime should be fairly distributed.\(^{846}\)

Female and male candidates received equal coverage.

Interpretive sources further note that female and male candidates should receive equal visibility in the media, especially during election periods.\(^{847}\)

The media took steps to reach all segments of society, including those who speak minority languages or live in rural areas.

Political commitments recommend media outlets take steps to provide access to marginalized groups. Such steps may include the consideration of transmitting in minority languages and assuring broad coverage of rural areas.\(^{848}\)

News coverage of incumbents in the public media was not abused so that it constituted additional free airtime or print coverage.

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\(^{843}\) U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; CoE, ECHR, art. 14; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32

\(^{844}\) U.N., ICCPR, art. 26; AU, AfCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)

\(^{845}\) U.N. (CCPR), General Comment 28, para. 21

\(^{846}\) U.N. (CCPR), Concluding Observations, Togo (2002), para. 17

\(^{847}\) U.N. (CEDAW), Concluding Observations, Switzerland (2009), para. 34

\(^{848}\) AU, Principles on Freedom of Expression, art. 3
Political commitments suggest that news coverage of incumbents in public media, while permitted during the campaign period, should not be abused so that it constitutes additional free airtime or print coverage.\textsuperscript{849}

**Private Media Regulations**

**Key Obligations:**

\begin{itemize}
  \item *Freedom of Opinion and Expression*
\end{itemize}

Private media, while not subject to the same regulation as public media, was generally fair and balanced in their coverage of the candidates and provided an equal opportunity for access to all candidates.

Political commitments recognize that private media, while not subject to the same regulation as public media, may be subject to some restrictions. These include ensuring media outlets are fair and balanced in their coverage\textsuperscript{850} and providing equal opportunity for access for all candidates.\textsuperscript{851}

**Free Airtime and Paid Advertising**

**Key Obligations:**

\begin{itemize}
  \item *Freedom From Discrimination and Equality Before the Law*
  \item *Transparency and Access to Information*
\end{itemize}

Free airtime was distributed equally (amount of space and also the timing and location of the media space).

Political commitments suggest that free airtime, if offered, should be distributed equally.\textsuperscript{852}

State practice sources build on this, saying that equality refers not only to the amount of space provided but to the timing and location of such space.\textsuperscript{853}

Free airtime for candidates and parties was granted during peak viewing or listening hours.

In addition, state practice sources suggest that free broadcasts should be aired during peak viewing and listening periods.\textsuperscript{854}

Paid advertising on public media was identified as such, and the costs and conditions involved were reasonable and equally applied to all candidates and parties.

\textsuperscript{849} CoE (Committee of Ministers), Recommendation 99(15) on media coverage of election campaigns, para. 11.1

\textsuperscript{850} CoE (Committee of Ministers), Recommendation 99(15) on media coverage of election campaigns, para. 3.1

\textsuperscript{851} CoE (Committee of Ministers), Recommendation 99(15) on media coverage of election campaigns, para. 11.1

\textsuperscript{852} CoE (Committee of Ministers), Recommendation (99)15 on media coverage of election campaigns, para. II.4

\textsuperscript{853} U.N., Human Rights and Elections, para. 120

\textsuperscript{854} EU, Handbook (Ed. 2), p. 54

Refer to the Candidacy and Campaigning section of this publication for more information.
Political commitments note it is important that paid advertising in the public media should be identified as such. Also, the costs and conditions involved should be reasonable and equally applied to all candidates and parties.\textsuperscript{855} If private media accepts paid advertising, the costs and conditions for advertising should be equally applied to all candidates.\textsuperscript{856}

Limits on advertising spending (as political speech) were instituted only in the interests of promoting equality between candidates or parties.

State practice sources also suggest limits on advertising spending may be instituted to ensure equality of opportunity.\textsuperscript{857}

**Freedom of Movement and the Media**

*Key Obligations:*

- **Freedom of Movement**

  Freedom of movement was guaranteed to all electoral stakeholders, including the media.

  International and regional treaties protect the right of everyone to freedom of movement within the borders of each state.\textsuperscript{858} The right of freedom of movement may only be restricted when provided by law, necessary in a democratic society and consistent with other rights.\textsuperscript{859}

**Safety, Security, and the Media**

*Key Obligations:*

- **Right to Security of the Person**

  Security of the person was guaranteed for all election stakeholders, including the members of the media.

  International treaties state that everyone has the right to security of the person without arbitrary arrest or detention.\textsuperscript{860} It requires that individuals be free from physical and emotional violence at all times.

  Interpretive sources extend the right of security of the person specifically to members of the media.\textsuperscript{861}

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\textsuperscript{855} CoE (Committee of Ministers), Recommendation (99)15 on media coverage of election campaigns, para. 1.2

\textsuperscript{856} OSCE (ODIHR), Handbook (Ed. 6), p. 65

\textsuperscript{857} CoE (Venice Commission), Code of Good Practice, sec. 1.2.3 ee

\textsuperscript{858} U.N., ICCPR, art. 12; AU, AfCHPR, art. 12; OAS, ACHR art. 22

\textsuperscript{859} U.N., ICCPR, art. 12

\textsuperscript{860} U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1)

\textsuperscript{861} U.N. (CCPR), General Comment 34, para. 23
Right to an Effective Remedy and the Media

**Key Obligations:**

- **Right to an Effective Remedy**

A system to file complaints related to the media was available for all citizens.

International treaties provide that everyone has the right to an effective (timely and enforceable)\(^{862}\) remedy before a competent national tribunal for acts that violate his/her rights or freedoms.\(^{863}\) Remedy should be available for complaints that arise throughout the electoral process.\(^{864}\)

Political commitments regarding the right to an effective remedy, when considered in the context of the media environment, indicate that a system to file complaints for media should be available to all citizens.\(^{865}\)

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\(^{862}\) U.N., ICCPR, art. 2; AU, AfCHPR, art. 7

\(^{863}\) U.N., ICCPR, art. 2; OAS, ACHR, art. 25; CoE, ECHR, art. 13

\(^{864}\) ECOWAS, Protocol, art. 7

\(^{865}\) AU, Principles on Freedom of Expression, Principle 9.2

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Refer to the Electoral Dispute Resolution section of this handbook for more information.
Section 8

Voting Operations

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Right and Opportunity to Vote
- Right and Opportunity to Be Elected
- Right and Opportunity to Participate in Public Affairs
- Freedom of Association
- Freedom of Movement
- Transparency and Access to Information
- Right to Security of the Person
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Right to an Effective Remedy
- Universal Suffrage
- Equal Suffrage
- Secret Ballot
- Periodic Elections
- Prevention of Corruption
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

Macro-Level Obligation
Individual Rights and Freedoms
Process-Focused Obligations
Foundational Obligations
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The effective process of recording votes on polling day(s) is a key component of a democratic election. The manner in which voting operations are conducted, and the degree to which they are transparent, can help ensure public confidence in the electoral process and acceptance of results. Although the enjoyment of electoral rights is dependent on the implementation of detailed processes and procedures, international law does not provide a great deal of guidance on how the voting process should unfold, and the process varies from country to country.

Assessment of voting operations is a common focus of both international and citizen observation organizations, both of which will deploy large numbers of short-term observers to polling stations around the country. While observation methods of each may vary, it is good practice to capture observation data in detailed questionnaires or checklists.

The following section refers not only to the activities that take place on polling day(s) but also to the administrative steps leading up to and immediately following voting. It also provides guidance on a range of issues, including:

• The legal framework for voting operations
• Facilitation of the right to vote
• Discrimination in voting operations
• Election officials
• Transparency, access to information, and observation of voting operations
• Electoral safeguards
• The right to an effective remedy

A nonexhaustive list of illustrative questions for data collection on the assessment criteria outlined below is included in Appendix C.
Legal Framework for Voting Operations

Key Obligations:

- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law.\(^{866}\) The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy.\(^{867}\)

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties state that the rule of law requires that all are equal before the law\(^{868}\) and laws are equally enforced.\(^{869}\) Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources have further stated that rule of law requires that laws and procedures are not arbitrarily applied.\(^{870}\)

The legal framework for elections was consistent with international human rights.

International treaties require that the legal framework be consistent with international human rights obligations.\(^{871}\)

Citizenship

Key Obligations:

- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Rule of Law

The rules regarding citizenship were clear and nondiscriminatory.

While everyone has the right to a nationality,\(^{872}\) the details of citizenship are generally not addressed in great detail in international law. Citizenship has traditionally been considered within the state’s remit to regulate. The link between citizenship and the enjoyment

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866 U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble.
867 UNGA, Millennium Declaration; UNGA, Resolutions on the Rule of Law; OAS, IADC, arts. 3 and 4; and OSCE, Copenhagen Document, para. 3
868 U.N., ICCPR, art. 26; AU, AfCHR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1).
869 U.N., ICCPR, art. 26
870 U.N. (CCPR), General Comment 25, para. 4
871 U.N., ICCPR, art. 2
872 U.N., UDHR, art. 15
873 U.N., ICCPR, art. 25
of participatory rights is made explicit in international treaties. Although states may regulate the law concerning nationality, citizenship, or naturalization, they may not discriminate against any particular nationality in doing so.

Interpretive sources note that distinctions between those who attain citizenship by birth or by naturalization may be discriminatory. Other sources support the requirement that the process for attaining citizenship should be clearly defined and nondiscriminatory.

The Right to Vote, and Voting Operations

Key Obligations:

- Right and Opportunity to Vote
- Freedom From Discrimination and Equality Before the Law

The right to vote was guaranteed by law and was subject only to reasonable and objective restrictions.

Treaty sources establish the right of every citizen to vote. The right to vote may only be subject to reasonable restrictions. Unreasonable restrictions include those based on excessive residency requirements, naturalized citizenship, criminal conviction (disproportionate to the severity of the crime or blanket disenfranchisement provisions), status as a remanded prisoner yet to be convicted of an offense, surpassing the legal age of majority, race, sex, religion, physical disability, mental, intellectual or psychiatric disability (that is disproportionate or has no reasonable or objective relationship to the person’s ability to vote), political or other opinion, national or social origin, sexual orientation or gender identity, language, birth or other status, literacy,

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874 U.N., ICERD, art. 1(3)
875 U.N. (CCPR), General Comment 25, para. 3
876 U.N., Recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation, para. 26
877 U.N., ICCPR, art. 25; AU, ACHPR, art. 13(1); AU, Protocol to the ACHPR, art. 9; OAS, ACHR, art. 23(1)(b); CIS, Convention on Democratic Elections, art. 2(a); EU, Charter on Fundamental Rights, art. 40
878 See OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11 with regard to reasonable residency requirements.
879 U.N., ICCPR, art. 25(b); U.N. (CCPR), General Comment 25, para. 3
880 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 14; U.N. (CCPR), Concluding Observations on the United Kingdom and Northern Ireland (2008), para. 28
882 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 10; U.N., CRC, art. 1
883 U.N., ICCPR, arts. 2 and 25
884 U.N., ICCPR, arts. 2 and 25
885 U.N., ICCPR, arts. 2 and 25
886 U.N., CRPD, art. 29
887 U.N. (CCPR), Concluding Observations, Belize (2013), para. 24
888 U.N., ICCPR, arts. 2 and 25
889 U.N., ICCPR, arts. 2 and 25
890 EU, Charter on Fundamental Rights, art. 21(2); U.N. (CCPR), Toonen v. Australia (1994); U.N. (CESCR), General Comment 20, para. 32
891 U.N., ICCPR, art. 2
892 U.N., ICCPR, arts. 2 and 25
893 U.N. (CCPR), General Comment 25, para. 10
894 U.N. (CCPR), General Comment 25, para. 10
895 U.N. (CCPR), General Comment 25, para. 10
896 U.N. (CCPR), General Comment 25, para. 10
education; property ownership; party membership; naturalized citizenship; status as an internally displaced person; and economic circumstances.

Any restrictions on the right to vote were established in advance of election day, and any loss of that right was only imposed after adjudication by a court.

State practice sources make it clear that any restrictions on the right to vote must be established in advance of election day and that the loss of this right imposed only after adjudication by a court.

Poll workers were adequately trained in the determination of eligible voters.

State practice sources stress the importance of polling personnel receiving clear guidance with respect to identifying and admitting eligible voters.

**Facilitation of Voting**

*Key Obligations:*
- Right and Opportunity to Vote
- Freedom of Movement
- Universal Suffrage

Voting operations facilitated broad participation.

Treaty obligations require that elections be held by universal suffrage. Universal suffrage may be subject only to reasonable and objective restrictions such as residency, citizenship, or reaching a minimum age. Voting operations should uphold universal suffrage by promoting participation by the broadest possible pool of eligible voters.

State practice sources indicate that the state may facilitate voting through a variety of methods. These include:
- Early voting
- Postal voting
- Electronic voting or assistive technologies for people with disabilities

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894 U.N. (CCPR), General Comment 25, para. 3  
895 U.N., Human Rights and Elections, p. 65  
896 U.N., Human Rights and Elections, para. 111  
897 U.N. (CCPR), General Comment 25, para. 3  
898 U.N. (CCPR), General Comment 25, para. 10  
899 OSCE (ODIHR), Handbook (Ed. 6), p. 76  
900 CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.i.v  
901 U.N., ICCPR, art. 25(b)  
903 ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11  
904 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11  
905 CoE (Venice Commission). Code of Good Practice, sec. 1.3.2.i.v  
906 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 10  
907 U.N. (CCPR), General Comment 25, para. 10  
908 CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.i.v  
909 U.N., ICCPR, art. 25(b)  
910 OAS, ACHR, art. 23; U.N. (CCPR), General Comment 25, para. 11  
911 CoE (Venice Commission), Code of Good Practice, sec. i.1.1.c.v
• Mobile voting
• Out-of-country voting
• Establishing polling facilities in hospitals and institutions
• Establishing polling facilities in prisons
• Military voting.

The need to facilitate voting by people with disabilities extends to e-voting systems and the use of Braille.

Sufficient resources, human and material, were available at each polling station.

State practice sources indicate the importance of ensuring that sufficient staffing and voting materials are available at every polling site to facilitate voting.

There were an adequate number of polling places to accommodate voters.

State practice suggests that steps should be taken to ensure that there are enough polling places to accommodate the number of registered voters.

Polling places were located in public places that were easy to access.

State practice sources suggest that polling stations should be located in public places to ensure ease of access.

Polls opened on time and did not close early. People in line to vote at poll closing were able to cast their ballot.

Sources evident of state practice suggest that late opening or early closing of the polls undermines the right to vote. All people waiting in line when the polls close should be permitted to vote.

Polling Places Accessible to Voters with Disabilities

Key Obligations:

● Freedom From Discrimination and Equality Before the Law

Polling places were accessible, including to those with disabilities.

912 EISA and ECF of SADC Countries, PEMMO, p. 23
913 Norwegian Helsinki Committee, Human Rights Monitoring, p. 13
914 OSCE (ODIHR), Handbook (Ed. 6), p. 76
915 CoE (Venice Commission), Code of Good Practice, sec. i.3.2.xi
916 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 3
917 U.N. (CCPR), Concluding Observations, Paraguay (2013), para. 11
918 OSCE (ODIHR), Existing Commitments, p. 71
919 U.N. (CCPR), Concluding Observations, Former Yugoslav Republic of Macedonia, (2008), para. 18
920 EISA and ECF of SADC Countries, PEMMO, p. 24
921 SADC PF, Norms and Standards, p. 16
922 EU, Handbook (Ed. 2), p. 75
923 EU, Handbook (Ed. 2), p. 82
Treaty sources obligate the state to ensure that accommodations be made for people with disabilities so that they may vote. Polling stations must be accessible to people with disabilities.\textsuperscript{924}

**Assisted Voting**

*Key Obligations:*

- Right and Opportunity to Vote
- Secret Ballot

**Impartial assistance for voters unable to vote independently was provided.**

International treaties state that voters with disabilities should have access to assistance in voting from the person of their choice.\textsuperscript{925}

Interpretive sources add that any assistance provided to those who are unable to vote should be independent.\textsuperscript{926}

State practice sources explain that care should be taken to protect the right to secrecy of the vote for voters with special needs.\textsuperscript{927} Except in cases where a voter is being lawfully assisted, a voter cannot waive his/her right to secrecy of the ballot.\textsuperscript{928}

**Voters were made aware of their right to impartial assistance if needed.**

Interpretive sources indicate that electors who are unable to vote independently should be made aware of the guarantee of impartial assistance.\textsuperscript{929}

**Proxy Voting**

*Key Obligations:*

- Universal Suffrage
- Equal Suffrage
- Secret Ballot

**Proxy voting, if allowed, was strictly regulated.**

State practice sources discourage proxy voting but emphasize that if allowed, it must be strictly regulated to protect secrecy of the vote.\textsuperscript{930}

\textsuperscript{924} U.N., CRPD, art. 29  
\textsuperscript{925} U.N., CRPD, art. 29  
\textsuperscript{926} U.N. (CCPR), General Comment 25, para. 20  
\textsuperscript{927} EISA and ECF of SADC Countries, PEMMO, p. 24  
\textsuperscript{928} EU, Handbook (Ed. 2.), p. 79  
\textsuperscript{929} U.N. (CCPR), General Comment 25, para. 20  
\textsuperscript{930} CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.v
Secrecy of the Ballot

Key Obligations:

- Secret Ballot

The legal framework offered clear guidance with regard to the secrecy of the ballot.

International and regional treaties state that elections must be held by secret ballot\(^{931}\) and that this right extends to those with disabilities.\(^{932}\)

Interpretive sources reinforce the importance of secrecy of the ballot through the entire voting process.\(^{933}\)

Political commitments suggest that the system for balloting (paper, electronic, or otherwise) should ensure the secrecy of a voter’s choice.\(^{934}\)

State practice sources say that electoral legislation and its regulations should offer clear guidance with respect to the secrecy of the ballot.\(^{935}\)

Family and group voting were prohibited.

Interpretive sources indicate that family and group voting should be prohibited.\(^{936}\) These practices violate voter secrecy and generally discriminate against women.

Polling stations were set up to ensure secrecy of the ballot.

Other sources, evident of state practice, urge that care be taken to ensure that the setup and location of the polling station do not undermine the secrecy of the ballot.\(^{937}\)

Voting Technologies

Key Obligations:

- Right and Opportunity to Vote
- State Must Take Necessary Steps to Give Effect to Rights

Electronic voting technologies operated correctly, and their functioning was ensured by the state through an independent body.

Political commitments make clear that voting technologies should work correctly.\(^{938}\) This includes a necessity for voters to be able to tell when their vote has been cast.\(^{939}\) These sources further specify

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931 U.N., ICCPR, art. 25; OAS, ACHR, art. 23; U.N., UDHR, art. 23
932 U.N., CRPD, art. 29
933 U.N. (CCPR), General Comment 25, para. 20
934 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 35
935 U.N., Human Rights and Elections, para. 109
936 U.N. (CEDAW), Concluding Observations, Tajikistan (2007), para. 26
937 SADC PF, Norms and Standards, para. 16
938 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 30
939 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 14
that the correct functioning of e-voting systems should be ensured by the state through an independent body.\textsuperscript{940}

Voting technologies were usable by voters and secure from interference.

Political commitments suggest that the voting system, including electronic systems, should be sufficiently secure against fraud.\textsuperscript{941}

**Freedom From Discrimination in Voting Operations**

**Key Obligations:**

- Freedom From Discrimination and Equality Before the Law

The voting process did not discriminate against anyone on the basis of prohibited grounds.

Treaty obligations prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\textsuperscript{942} Further, treaties state that all are equal before the law and should enjoy equal protection of the law.\textsuperscript{943}

**Special Measures**

**Key Obligations:**

- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The state took steps to ensure de facto equality between men and women.

Treaty sources make clear that women should enjoy equal rights to men\textsuperscript{944} and that in some cases, states should take temporary special measures to achieve de facto equality for women.\textsuperscript{945}

Interpretive sources indicate that temporary special measures to achieve de facto equality for women can include financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, and targeting women for appointment to public positions or the use of quotas to ensure female participation in public affairs.\textsuperscript{946} Interpretive sources

\textsuperscript{940} CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 28
\textsuperscript{941} CoE (Committee of Ministers), Declaration on Human Rights and Rule of Law in the Information Society, para. 7
\textsuperscript{942} U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; CoE, ECHR, art. 14; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2)
\textsuperscript{943} U.N., ICCPR, art. 26
\textsuperscript{944} U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); CoE, E CHR, art. 23
\textsuperscript{945} U.N., CEDAW, art. 3
\textsuperscript{946} U.N. (CEDAW), General Recommendation 23, para.15
also indicate that measures taken to ensure equitable representation of women should not be considered discriminatory.\footnote{U.N. (CCPR), General Comment 28, para. 29}

Special measures were taken, as necessary, to promote equality for minorities.

International treaties state that temporary special measures for advancing ethnic minorities or groups that have suffered past discrimination may also be taken when the circumstances warrant. Such measures should not be considered discriminatory,\footnote{U.N., ICERD, art. 1} should not be maintained after the objectives for which they were taken are met, and should not result in the maintenance of unequal rights for different groups.\footnote{U.N., ICERD, art. 1}

Special measures were taken to ensure de facto equality for people with disabilities.

International treaties obligate states to ensure and promote human rights and fundamental freedoms without any discrimination on the basis of disability.\footnote{U.N., CRPD, art. 4} Specific measures aimed at ensuring de facto equality for people with disabilities should not be considered discriminatory.\footnote{U.N., CRPD, art. 5} Other treaty sources also call on states to recognize that women and girls with disabilities are subject to multiple discrimination.\footnote{U.N., CRPD, art. 6 (1) }

Interpretive sources further indicate the legal framework should provide people with disabilities with the opportunity to vote and be elected.\footnote{U.N. (CRPD), Concluding Observations, Hungary (2012), para. 26}

\section*{Ballot Design and Voter Choice}

\textbf{Key Obligations:}

\begin{itemize}
  \item \textbf{Right and Opportunity to Vote}
  
  Voters were able to verify their choice on their ballot and could alter their choice before casting their ballot.

  Political commitments suggest that voting systems should ensure that votes are accurately represented\footnote{CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 90 } and that voters should be able to alter their choice before casting their ballot.\footnote{CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 11}

  Ballots were understandable and user-friendly.

  Political commitments and state practice sources establish that ballots, including electronic ones, should:

  \begin{itemize}
    \item Be understandable\footnote{CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, para. A.I.1}
  \end{itemize}
\end{itemize}
Freedom of Movement and Voting Operations

Key Obligations:
- Freedom of Movement

Freedom of movement was respected throughout the electoral process.

Treaty sources establish the fundamental right to freedom of movement within the borders of each state. This right ensures that everyone, including candidates, voters, observers, and poll workers, are able to move throughout the territory. This includes during election days and voting operations.

Voters displaced in advance of election day had the possibility of returning on election day to cast their ballots.

Treaty obligations grant everyone the right to leave and return to his own country.

Political commitments establish that voters displaced in advance of voting should be able to return on election day to cast their ballots.

State practice sources assert the importance of voter access to polling stations.

Partisan and Nonpartisan Observation of Voting Operations

Key Obligations:
- Right and Opportunity to Be Elected
- Right and Opportunity to Participate in Public Affairs
- Freedom of Association

The state accredited citizen observer organizations and facilitated their ability to conduct their activities.

Regional treaties are clear that the participation of observers, both citizen and international, may enhance all aspects of the electoral process.

Refer to the Framework section at the beginning of this handbook for more information regarding permissible restrictions on freedom of movement.

957 U.N., Human Rights and Elections, para. 110
958 OSCE (ODIHR), Handbook (Ed. 6), p. 54
959 U.N., Human Rights and Elections, para. 110
960 U.N., ICCPR, art. 12(1); AU, AfCHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); EU, Charter of Fundamental Rights, art. 45(1); CIS, Convention on Human Rights, art. 22(1)
961 U.N., ICCPR, art. 12(2); AU, AfCHPR, art. 12(2); CIS, Convention on Human Rights, art. 22(2)
962 UNGA, Guiding Principles on Internal Displacement, Principle 22
963 EU, Handbook (Ed. 2), p. 75
964 AU, ACDEG, arts. 19-22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23-25
Political commitments add that states should recognize accredited nongovernmental organizations and facilitate their ability to conduct their activities,\textsuperscript{965} including those related to observation of voting operations.

**Candidates and their representatives were able to observe polling and counting as means of protecting their right to be elected.**

Treaty obligations establish the right of every citizen to be elected.\textsuperscript{966} This right may only be subject to reasonable and objective restrictions.\textsuperscript{967}

In the context of voting operations, political commitments indicate that the right to be elected includes the right of political party and candidate representatives to be allowed in the polling station to observe polling.\textsuperscript{968}

**Observers were able to access places used for voting.**

Everyone has the right of equal access to any place or service intended for use by the public.\textsuperscript{969} This includes observers requiring access to the facilities used for voting.

**Access to Information and Electoral Documents**

**Key Obligations:**

- **Transparency and Access to Information**

The right to access to information was respected throughout the voting process.

International and regional treaties state the right to free expression includes the ability for all to seek and receive information and ideas.\textsuperscript{970} While an important right itself, access to information is also a critical means of ensuring transparency and accountability throughout the electoral process. Taken together with the state’s obligation to take necessary steps to ensure rights and with the transparency-related elements of the obligation to prevent corruption, a strong argument can be made for an obligation for transparency in the electoral process. Certain limited restrictions may be placed on access to information.

Documents regarding the electoral process, including voting operations, were publicly accessible and accurate.

\textsuperscript{965} OSCE, Moscow Document, para. 43
\textsuperscript{966} U.N., ICCPR, art. 25; AU, ACHPR, art. 13; OAS, ACHR, art. 23; LAS, Arab Charter on Human Rights, art. 24; CIS, Convention on Democratic Elections, art. 3; OSCE, Copenhagen Document, para. 7.5
\textsuperscript{967} U.N. (CCPR), General Comment 25, para. 4
\textsuperscript{968} AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 7
\textsuperscript{969} U.N., ICERD, art. 5; U.N., CRPD, art. 9
\textsuperscript{970} U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)
International treaties state that states should proactively put government information of public interest in the public domain. This includes information regarding the electoral process.

**Election Calendar and the Enjoyment of Rights**

**Key Obligations:**
- State Must Take Necessary Steps to Give Effect to Rights

The electoral calendar provided adequate time to prepare for and implement all aspects of the election process, including voting operations and election-day procedures.

International and regional treaties obligate states to give effect to human rights, including when planning the electoral process.

State practice sources emphasize the importance of allowing adequate time, when scheduling elections, to successfully implement other necessary parts of the election, including those related to voting operations.

**Deterrence of Fraud**

**Key Obligations:**
- Equal Suffrage
- Secret Ballot
- State Must Take Necessary Steps to Give Effect to Rights

Procedures did not diminish the value of the votes of particular individuals, groups, or geographic areas.

Treaty obligations require that elections be held by equal suffrage.

State practice sources suggest that states should take steps to prevent actions that diminish the value of the votes of particular individuals, groups, or geographic areas.

Safeguards were in place to prevent multiple voting and other forms of ballot fraud.

State practice sources recommend that states put in place safeguards to ensure that voters are unable to register or vote more than once. Sources prohibit ballot box “stuffing” as an example of the infringement of equal suffrage. Examples of specific measures states may take to deter fraud include:

- Marking voters’ fingers to prevent duplicate voting

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971 U.N., UNCAC, art. 10
972 U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
973 U.N., Human Rights and Elections, para. 75
974 U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b)
975 U.N., Human Rights and Elections, para. 68
976 U.N., Human Rights and Elections, para. 68
977 CoE, Handbook for Observers of Elections, para. 2.5.3
978 EU, Handbook (Ed. 2), p. 97
• Showing ballot boxes to be empty at the commencement of voting  

• Sealing ballot boxes properly at the beginning of the vote  

• Accounting for all ballots, including unused ballots, throughout election day  

Safeguards were in place to prevent removal of evidence of how a voter voted from the polling station.

Political commitments call for the implementation of safeguards to prevent removal of evidence of how a voter has voted from the polling station. Sensitive election materials should be stored securely throughout the voting process.

Prevention of Corruption and Voting Operations

*Key Obligations:*

- **Prevention of Corruption**

The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption, including during the voting process.

Treaty obligations require states to take measures to prevent corruption in various forms, including during the election management process, campaign period, voter registration, voting, and counting. Treaties indicate that states should promote transparency in public decision making and procurement and should encourage public participation as a means of combating corruption. Treaty sources define as corruption:

- The solicitation or acceptance of something of value in exchange for an advantage  

- The offering or granting of something of value in exchange for an act or omission in the performance of a public function  

- Fraudulent use or concealment of property derived from corrupt activities  

- Participation or conspiracy to commit corrupt activities  

- Any act or omission of official functions by a public official to gain illicit benefits  

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979 OSCE (ODIHR), Handbook (Ed. 6), p. 73  
980 EISA and ECF of SADC Countries, PEMMO, p. 25  
981 CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.2.33 (explanatory report)  
982 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 51–52  
983 CoE (Venice Commission), Code of Good Practice, sec. 13.2.2.33-5 (explanatory report)  
984 U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7  
985 U.N., UNCAC, art. 13(a); AU, Convention on Corruption, art. 3(3)  
986 AU, Convention on Corruption, art. 4  
987 U.N., UNCAC, art. 19  
988 AU, Convention on Corruption, art. 4  
989 AU, Convention on Corruption, art. 4  
990 AU, Convention on Corruption, art. 4
• The use of state property for purposes other than those for which they were intended for the benefit of the public official or a third party.\textsuperscript{991}

• Improper influence.\textsuperscript{992}

**Training for Election Officials**

*Key Obligations:*

- *State Must Take Necessary Steps to Give Effect to Rights*

The state educated officials and citizens on the voting process. Interpretive sources make clear that public officials and citizens should be trained on human rights. Presumably this includes training members of election management bodies on issues related to elections.\textsuperscript{993}

**Safety, Security, and Voting Operations**

*Key Obligations:*

- *Right to Security of the Person*

Potential voters were able to vote without intimidation or coercion. Treaty obligations establish the right of all to security of the person without arbitrary arrest or detention.\textsuperscript{994} Individuals must be free from physical and emotional violence at all times.

Interpretive sources indicate that states must ensure that interference with voting and intimidation or coercion of potential voters is prohibited.\textsuperscript{995}

Safeguards were in place to prevent coercion of voters. Political commitments expand on interpretive sources to require that safeguards be in place to prevent removal of evidence of how a voter has voted from the polling station.\textsuperscript{996}

Security personnel played a positive role during the electoral process, providing protection for voters, candidates, and electoral management body personnel without interfering in the process.

State practice sources indicate that voters have a right to security provided by police and security forces in polling stations but without

\textsuperscript{991} AU, Convention on Corruption, art. 4

\textsuperscript{992} U.N., UNCAC, art. 18

\textsuperscript{993} U.N. (CCPR), General Comment 31, para. 3

\textsuperscript{994} U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); LAS, Arab Charter, art. 14(1-2);

\textsuperscript{995} U.N. (CCPR), General Comment 25, para. 11

\textsuperscript{996} CoE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1)

\textsuperscript{996} CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 51-52
interference from them.\textsuperscript{997} Other state practice sources expand this obligation to include a requirement that law enforcement behave in a neutral manner during the electoral process.\textsuperscript{998}

\textbf{Election officials were able to maintain order at the polling station.}

State practice sources suggest that the highest election official at the polling site should have authority to maintain order.\textsuperscript{999}

\section*{Right to an Effective Remedy and Voting Operations}

\textbf{Key Obligations:}

\begin{itemize}
  \item \textit{Right to an Effective Remedy}
  \item \textit{State Must Take Necessary Steps to Give Effect to Rights}
\end{itemize}

The state provided an effective (timely and enforceable) remedy to all citizens for violations of their rights, including in the context of voting operations.

Treaty obligations make clear that every person has a right to an effective (timely and enforceable)\textsuperscript{1000} remedy before a competent national tribunal for acts that violate his/her rights or freedoms.\textsuperscript{1001} The right to an effective remedy is fundamental to ensuring the fulfillment of other human rights. A remedy should be available for complaints arising throughout the electoral process.\textsuperscript{1002}

Political commitments and state practice sources suggest that individuals must have the right to a remedy for violations of their participatory rights relating to the election process.\textsuperscript{1003}

\textbf{Steps were taken to prevent and punish fraud and electoral offenses.}

Treaty sources obligate states to take the steps necessary to give effect to human rights.\textsuperscript{1004} This applies to the entire electoral process and all electoral rights.

Interpretive sources indicate that this obligation is unqualified and of immediate effect\textsuperscript{1005} and includes a need to take various positive measures. These include informing the population and state officials

\begin{footnotes}
\item[997] U.N., Human Rights and Elections, para. 94-97
\item[998] EU, Handbook (Ed. 2.), p. 52
\item[999] Merloe, Promoting Legal Frameworks, p. 50
\item[1000] U.N., ICCPR, art. 2; AU, ACHPR, art. 7
\item[1001] U.N., ICCPR, art. 2; AU, ACHPR, art. 7; OAS, ACHR, art. 25; CoE, ECHR, art. 13
\item[1002] ECOWAS, Protocol, art. 7
\item[1003] CoE (Committee of Ministers), Declaration on the Code of Good Practice, p. 1
\item[1004] U.N., ICCPR, art. 2(2); AU, ACHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
\item[1005] U.N. (CCPR), General Comment 31, para. 14
\end{footnotes}
of human rights and the prevention, punishment, investigation, and/or redress of violations of human rights by nonstate actors. All branches of the government and other public authorities are responsible for meeting this obligation.

In relation to voting operations, examples of state practice specify that states should take steps to prevent and punish voter fraud as an infringement upon suffrage.
Section 9
Vote Counting and Tabulation

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Equality Between Men and Women
- Right and Opportunity to Vote
- Right to an Effective Remedy
- Right and Opportunity to Be Elected
- Universal Suffrage
- Right and Opportunity to Participate in Public Affairs
- Equal Suffrage
- Freedom of Association
- Secret Ballot
- Freedom of Movement
- Periodic Elections
- Transparency and Access to Information
- Prevention of Corruption
- Right to Security of the Person
- State Must Take Necessary Steps to Give Effect to Rights
- Freedom From Discrimination and Equality Before the Law
- Rule of Law

Macro-Level Obligation
Individual Rights and Freedoms
Process-Focused Obligations
Foundational Obligations
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The accurate and honest counting of votes plays an indispensable role in protecting individuals’ rights to vote and be elected. Regardless of the credibility of other parts of the electoral process, a flawed vote count can undermine the integrity of the electoral process and decrease public confidence and public acceptance of the results. While vote counting and tabulation processes vary in detail from country to country, accuracy, honesty, and transparency are universal principles that guide the process.

Both international and citizen observer groups generally rely on short-term observers to collect data regarding the vote counting process. Long-term observers are often better suited to collecting information regarding higher-level aggregation due to its more protracted timeline.

The following section provides guidance on a number of electoral issues, including:

- The legal framework for vote counting and tabulation
- Transparency, access to information, and observation of vote counting and tabulation
- Safeguards for vote counting and tabulation
- The right to an effective remedy

A nonexhaustive list of illustrative questions for data collection on the assessment criteria outlined below is included in Appendix C.
Legal Framework and Vote Counting and Tabulation

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

The principles of rule of law were promoted.

Treaty sources provide that states should take measures to promote the principles of the rule of law. The rule of law is widely recognized as an essential condition for the fulfillment of human rights and representative democracy. 1010

The laws regulating elections were equally enforced and were not arbitrarily applied.

International treaties state that the rule of law requires that all are equal before the law and that laws are equally enforced. Respect for the rule of law ensures a political and legal environment conducive to the conduct of a genuine electoral process and the fulfillment of electoral rights.

Interpretive sources further state that rule of law requires that laws and procedures are not arbitrarily applied. 1014

State practice sources suggest that closing and counting procedures should be established by law. 1015

The legal framework for elections was consistent with international human rights.

International treaties require that the legal framework be consistent with international human rights obligations. 1016

The Election Calendar and Enjoyment of Rights

Key Obligations:
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights

The electoral calendar allowed sufficient time for all aspects of the electoral process to take place, including vote counting.

International and regional treaties oblige states to give effect to human rights, including when planning the electoral process.

1010 U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32(8); CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble
1011 UNGA, Millennium Declaration; UNGA, Resolutions on the Rule of Law, OAS, IADC, arts. 3 and 4; and OSCE, Copenhagen Document, para. 3
1012 U.N., ICCPR, art. 26; AU, ACHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)
1013 U.N., ICCPR, art. 26
1014 U.N. (ICCPR), General Comment 25, para. 4
1015 EU, Handbook (Ed. 2), p. 82
1016 U.N., ICCPR, art. 2(2); AU, ACHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
1017 U.N., ICCPR, art. 2(2); AU, ACHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
State practice sources suggest that the will of the people can only be expressed through genuine and periodic elections. It is also important when scheduling elections to allow adequate time to successfully implement other necessary parts of the election such as vote counting and tabulation.\footnote{1018}

**Counting Cast Ballots**

**Key Obligations:**
- **Right and the Opportunity to Be Elected**
- **Universal Suffrage**

The state took proactive measures to promote voting by the broadest pool of eligible voters and ensure votes cast were counted.

International and regional treaties state that elections must be held by universal suffrage.\footnote{1019} In the context of vote counting and tabulation, universal suffrage requires that all votes cast are counted.

Vote counting and tabulation processes protected the right to be elected.

International and regional treaties indicate that every citizen has the right to be elected.\footnote{1020} The right to be elected includes the right to have ballots counted.

The vote counting and tabulation process did not discriminate against anyone on the basis of prohibited grounds.

International and regional treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\footnote{1021} In addition, international treaties are clear that all are equal before the law and should enjoy the equal protection of the law.\footnote{1022}

**Determining Voter Intent**

**Key Obligations:**
- **State Must Take Necessary Steps to Give Effect to Rights**

The state took the steps necessary to give effect to rights during the vote counting process.

\footnote{1018}{U.N., Human Rights and Elections, para. 75}
\footnote{1019}{U.N., ICCPR, art. 25(b); AU, ACDEG, art. 4(2); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b)}
\footnote{1020}{U.N., ICCPR, art. 25(b); AU, AFCHPR, art. 13(1); OAS, ACHR, art. 23(1)(a); LAS, Arab Charter, art. 24(3–4); CIS, Convention on Human Rights, art. 29(b)}
\footnote{1021}{U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AFCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; CoE, ECHR, art. 14; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32}
\footnote{1022}{U.N., ICCPR, art. 26}
International treaties oblige states to take the steps necessary to give effect to human rights.\textsuperscript{1023} The obligation applies to the entire electoral process, including ensuring the validity of votes.

The intent of the voter was taken into consideration when determining ballot validity.

Political commitments mention that the intent of the voter should be taken into consideration when determining the validity of ballots.\textsuperscript{1024}

**Safeguards to Prevent Falsification of Ballots**

**Key Obligations:**

- Equal Suffrage
- State Must Take Necessary Steps to Give Effect to Rights

Equal suffrage was respected throughout the electoral process, including vote counting, consistent with the concept of “one person, one vote.”

International and regional treaties state that elections must be held by equal suffrage.\textsuperscript{1025}

Safeguards were put in place to ensure that there existed no opportunity to falsify or substitute ballots, including during the vote counting and tabulation process.

State practice sources recommend that states put in place safeguards to ensure the accuracy of the vote count, no matter the form of balloting or counting used (manual, mechanical, or electronic).\textsuperscript{1026}

They add that equal suffrage and the “one person, one vote” rule requires that no opportunity should exist to falsify or to substitute ballot papers,\textsuperscript{1027} including after the completion of voting when ballots are counted.

**Prevention of Corruption in Vote Counting**

**Key Obligations:**

- Prevention of Corruption

The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption, including during the voting process.

\textsuperscript{1023} U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
\textsuperscript{1024} CoE, Council of Europe Handbook for Observers of Elections, para. 4.3
\textsuperscript{1025} U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b)
\textsuperscript{1026} OSCE (ODIHR), Legal Framework (Ed. 1), p. 28
\textsuperscript{1027} CoE, Handbook for Election Observers, para. 4.6
Treaty obligations require states to take measures to prevent corruption in various forms, including during the election management process, campaign period, voter registration, voting, counting, and other phases of the electoral process. Treaties indicate that states should promote transparency in public decision making and procurement and should encourage public participation as a means of combating corruption.

Treaty sources define as corruption:

- The solicitation or acceptance of something of value in exchange for an advantage
- The offering or granting of something of value in exchange for an act or omission in the performance of a public function
- Fraudulent use or concealment of property derived from corrupt activities
- Participation or conspiracy to commit corrupt activities
- Any act or omission of official functions by a public official to gain illicit benefits
- The use of state property for purposes other than those for which they were intended for the benefit of the public official or a third party
- Improper influence

State practice sources indicate that electoral legislation should include procedures and penalties aimed at preventing corruption. Presumably this would include prevention of corruption during the vote counting and tabulation processes.

Transparency in the Reporting, Transmission, and Publishing of Election Results

Key Obligations:
- Transparency and Access to Information
- Prevention of Corruption

Access to information was guaranteed throughout the electoral process, including during the counting and tabulation process. International and regional treaties state that everyone has the right to receive and impart information and ideas of all kinds, regardless

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1028 U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7; AU, ACDEG, art. 7(1); OAS, Convention Against Corruption, art. 11(2); CIS, Convention on Democratic Elections, art. 3(6)
1029 U.N., UNCAC, art. 13
1030 AU, Convention on Corruption, art. 4
1031 U.N., UNCAC, art. 19
1032 AU, Convention on Corruption, art. 4
1033 AU, Convention on Corruption, art. 4
1034 AU, Convention on Corruption, art. 4
1035 AU, Convention on Corruption, art. 4
1036 U.N., UNCAC, art. 18
1037 U.N., Human Rights and Elections, para. 118
of frontier. The right of transparency and access to information is born from the guarantee that the right to free expression includes the ability of everyone to seek and receive information and ideas.\textsuperscript{1038} Only certain limited restrictions may be placed on transparency and access to information.

**The state proactively put in the public domain government information of public interest.**

International treaties establish that states should proactively put in the public domain government information of public interest,\textsuperscript{1039} including information regarding the electoral process.

**Votes were counted and reported honestly.**

International treaties are clear that states should promote honesty and responsibility among public officials.

Political commitments support this, suggesting that votes should be counted honestly and accurately.\textsuperscript{1040}

**The counting process was verifiable and the ballots preserved for later review.**

Political commitments suggest that counting procedures should be verifiable and that votes must be preserved for review in order to ensure all individuals have adequate access to information in the context of the vote counting process.\textsuperscript{1041}

**Results were published in a timely manner, were publicly announced, and were posted at the counting station.**

State practice sources suggest that the results of the count should be published in a timely manner,\textsuperscript{1042} be publicly announced, and be posted at the counting station.\textsuperscript{1043}

**Tallies were transmitted to higher levels of tabulation in a transparent and open manner.**

State practice sources recommend that ballot tallies be transmitted to higher levels in an open manner.\textsuperscript{1044}

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\textsuperscript{1038} U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)  
\textsuperscript{1039} U.N., UNCAC, art. 10  
\textsuperscript{1040} OSCE, Copenhagen Document, para. 7.4  
\textsuperscript{1041} CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 98  
\textsuperscript{1042} OSCE (ODIHR), Existing Commitments, p. 73  
\textsuperscript{1043} CoE (Venice Commission), Code of Good Practice, sec. 3.2.2.4.46 (explanatory report)  
\textsuperscript{1044} CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.xiv
Partisan and Nonpartisan Observation of Vote Counting and Tabulation

**Key Obligations:**
- Right and Opportunity to Be Elected
- Right and Opportunity to Participate in Public Affairs
- Freedom of Association
- Prevention of Corruption

Candidates and their representatives, as well as observers, were able to observe polling and counting.

Regional treaties are clear that the participation of observers, both citizen and international, may enhance all aspects of the electoral process. 1045

Interpretive sources indicate that candidates or their agents and accredited observers should be allowed to observe the counting and tabulation of votes. 1046

Political commitments also suggest that the participation of citizen observers may enhance all aspects of the electoral process. 1047 In addition, they suggest that the state should facilitate the ability of nongovernmental organizations to conduct their activities, 1048 presumably including observation of the vote counting and tabulation process.

**The vote-counting process was transparent and observable.**

Interpretive sources indicate that the vote counting and tabulation process should be a transparent and observable process. 1049

**Party agents and accredited observers were given copies of the protocols and tabulation sheets from the results center.**

State practice sources suggest a number of steps to prevent corruption. These include that all party agents and accredited observers should be given copies of all protocols and tabulation sheets from results centers 1050 and that the locations of results centers are established and centers are easily accessible. 1051

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1045 AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25
1046 U.N. (CCPR), General Comment 25, para. 20
1047 OSCE, Copenhagen Document, para. 8
1048 OSCE, Moscow Document, para. 43
1049 U.N. (CCPR), General Comment 25, para. 20
1050 Norwegian Helsinki Committee, Human Rights Monitoring, p. 14
1051 EISA and ECF of SADC Countries, PEMMO, p. 27
Observers were able to access places used for vote counting and tabulation.

International treaties state that everyone has the right of equal access to any place or service intended for use by the public.\textsuperscript{1052} This includes observers requiring access to the facilities used for vote counting and tabulation.

If electronic voting systems were used, there was an open and comprehensive audit.

Political commitments suggest that the postelection audit system for electronic voting should be open and comprehensive.\textsuperscript{1053}

**Protection of Ballot Secrecy**

*Key Obligations:*

- **Secret Ballot**

Regardless of the balloting method used, secrecy of the ballot was maintained throughout the electoral process, including during voting and tabulation. It was not possible to link cast ballots to specific voters during counting and tabulation.

International and regional treaties state that elections should be held by secret ballot.\textsuperscript{1054} This requires that ballots cannot be linked with the voters who cast them so that voters can cast their ballot without fear of intimidation.

Interpretive sources elaborate on this, adding that it is important in the context of vote counting that the system for balloting (paper, electronic, or otherwise) should ensure the secrecy of a voter’s choice and that secrecy be maintained throughout the process.\textsuperscript{1055}

The legal framework offered clear guidance on secrecy of the ballot throughout the election.

State practice sources suggest that electoral legislation and its regulations should offer clear guidance with respect to the secrecy of the ballot.\textsuperscript{1056}

\textsuperscript{1052} U.N., ICERD, art. 5; U.N., CRPD, art. 9
\textsuperscript{1053} CoE (Committee of Ministers) Recommendation (2004)11 on e-voting, art. 102
\textsuperscript{1054} U.N., ICCPR, art. 25; OAS, ACHR, art. 23; U.N., UDHR, art. 23
\textsuperscript{1055} U.N. (CCPR), General Comment 25, para. 20
\textsuperscript{1056} U.N., Human Rights and Elections, para. 109
Freedom of Movement and Vote Counting and Tabulation

Key Obligations:

Freedom of Movement

Freedom of movement was respected throughout the electoral process, including the immediate election period. International and regional treaties state that everyone has the right to freedom of movement within the borders of each state.\textsuperscript{1057} Freedom of movement is a fundamental right that ensures that everyone, including candidates, voters, citizen observers, and poll workers, is able to move throughout the territory during vote counting and tabulation.

Safety, Security, and Vote Counting and Tabulation

Key Obligations:

Right to Security of the Person

Vote counting took place in an environment free of intimidation. International treaties state that everyone has the right to security of the person without arbitrary arrest or detention.\textsuperscript{1058} It requires that individuals be free from physical and emotional violence at all times.

State practice sources suggest that vote counting should take place in an environment free from intimidation.\textsuperscript{1059}

Security personnel played a positive role during the electoral process, providing protection for voters, candidates, and electoral management body personnel without interfering in the process.

State practice sources indicate that voters have a right to security provided by police and security forces in polling stations but without interference from them.\textsuperscript{1060} Other sources elaborate on this obligation to include a requirement that law enforcement behave in a neutral manner during the electoral process.\textsuperscript{1061}

Other sources indicate that the highest election official at the counting site should have authority to maintain order.\textsuperscript{1062}

\textsuperscript{1057} U.N., ICCPR, art. 12(1); AU, AfCHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); EU, Charter of Fundamental Rights, art. 45(1); CIS, Convention on Human Rights, art. 22(1)
\textsuperscript{1058} U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); LAS, Arab Charter, art. 14(1-2); COE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1)
\textsuperscript{1059} EU, Handbook (Ed. 1), p. 82
\textsuperscript{1060} U.N., Human Rights and Elections, paras. 94-97
\textsuperscript{1061} EU, Handbook (Ed. 2), p. 52
\textsuperscript{1062} Merloe, Promoting Legal Frameworks, p. 50
Training of Polling and Counting Workers

Key Obligations:
● State Must Take Necessary Steps to Give Effect to Rights

The state educated officials and citizens on the vote counting and tabulation process.

International treaties are clear that the state took the steps necessary to train officials on human rights. This includes training on the vote counting and tabulation process since it directly impacts the enjoyment of various fundamental rights.

Right to an Effective Remedy and Vote Counting and Tabulation

Key Obligations:
● Right to an Effective Remedy

The right to remedy was protected throughout the process.

Treaty obligations make clear that every person has a right to an effective (timely and enforceable) remedy before a competent national tribunal for acts that violate his/her rights or freedoms. The right to an effective remedy is fundamental to ensuring all other human rights may be fulfilled.

The right to challenge the election results was guaranteed by law.

Regional treaties state that arrangements should be made to hear petitions related to the announcement of results. There was impartial scrutiny of the counting and tabulation process, and it was subject to judicial review.

Interpretive sources state that in order to ensure that effective remedies are available for violations of rights, there should be impartial scrutiny of the counting process and access to judicial review or other equivalent processes.

Political commitments suggest further that vote-counting procedures should be verifiable and that votes should be preserved for review to ensure necessary evidence is available in case of complaints.

1063 U.N. (CCPR), General Comment 31, para. 3
1064 U.N., ICCPR, art. 2; AU, AfCHPR, art. 7
1065 U.N., ICCPR, art. 2; AU, AfCHPR, art. 7; OAS, ACHR, art 25; CoE, ECHR, art. 13
1066 ECOWAS, Protocol, art. 7
1067 U.N. (CCPR), General Comment 25, para. 20
1068 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 98
The legal framework provided clear guidance on the grounds for complaints and appeals as well as the processes for demanding a recount.

Political commitments and state practice sources suggest that the right to challenge election results should be provided for by law. Political commitments and state practice sources suggest that the right to challenge election results should be provided for by law. Fair rules should:

• Provide clear grounds upon which complaints and appeals are allowable

• Define and govern the right to demand a recount

• Provide an opportunity to challenge and invalidate all or part of the election results

Respect for the Results of Genuine Elections

Key Obligations:

● Right and Opportunity to Vote

● Right and Opportunity to Be Elected

The results of the election, if genuine, were respected by all parties and the international community.

Interpretive sources are clear that the results of genuine elections, in which citizens participate in the conduct of public affairs through freely chosen representatives, should be respected and implemented.

1069 SADC, Principles and Guidelines, para. 2.1.10

1070 OSCE (ODIHR), Legal Framework, p. 36

1071 CoE, Handbook, para. 4.8

1072 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 27

1073 U.N. (CCPR), General Comment 25, para. 19
Section 10

Electoral Dispute Resolution

Relevant Obligations

- Genuine Elections That Reflect the Free Expression of the Will of the People
- Transparency and Access to Information
- Right to Security of the Person
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women
- Right to a Fair and Public Hearing
- Right to an Effective Remedy
- Periodic Elections
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

Macro-Level Obligation
Individual Rights and Freedoms
Process-Focused Obligations
Foundational Obligations
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The credibility of the electoral process is determined to a large degree by the capacity of the state to effectively resolve electoral disputes. Challenges to election results, or the conduct of elections, should not be considered a weakness of the electoral system but a sign of its resilience. Electoral dispute resolution mechanisms vary greatly country by country, based largely on historical and political context. They can include formal judicial proceedings or more informal alternative dispute resolution procedures.

Given the importance of the dispute resolution process to the enjoyment of rights and the fulfillment of obligations, an assessment of dispute resolution mechanisms is critical to an overall evaluation of the election process. Assessments of dispute resolution processes should take place throughout the electoral cycle. However, because dispute resolution processes sometimes become especially important after election day, assessment requires a longer-term presence. Increasingly, election observation organizations that are able to deploy long-term missions include a focus on dispute resolution mechanisms. Citizen observers are particularly well-placed to monitor electoral dispute resolution processes.

While this section addresses obligations related to electoral dispute resolution processes, it is important to note that dispute resolution and the right to remedy regarding other parts of the electoral process are included in previous sections. Therefore, to get a full picture of the obligations and issues related to dispute resolution it is necessary to cross-reference this chapter with other sections of the manual.

The following paragraphs provide guidance on a range of electoral issues regarding electoral dispute resolution, including:

- The legal framework for electoral dispute resolution
- Transparency, access to information, and dispute resolution
- Discrimination and dispute resolution
- Fair and impartial hearings
- The right to an effective remedy

A nonexhaustive list of illustrative questions for data collection on the assessment criteria is included in Appendix C.

The Legal Framework and Dispute Resolution

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights
- Rule of Law

Electoral dispute resolution took place in accordance with the principles of the rule of law.

International treaties establish that states should take measures to promote the principles of the rule of law, keeping in mind that all people are equal before the law and that laws should be equally enforced. Laws must also be consistent with international human rights.

Laws and procedures were not arbitrarily applied.

Interpretive sources indicate that laws and procedures must not be arbitrarily applied. Suspension or exclusion of participatory rights is prohibited except on grounds established by law that are objective and reasonable.

The state implemented sanctions against those who violated the electoral law.

Interpretive sources indicate that where a violation of rights is found to have occurred, states have a duty to punish those guilty of the violation.

State practice sources indicate that effective implementation of the electoral law requires sanctions against the infringements of the electoral law, including cases of electoral fraud.

The law was clear regarding legal standing for electoral disputes.

Political commitments indicate that the duty to protect the fundamental human rights of all includes a requirement that states ensure that all individuals, groups of individuals, and nongovernmental organizations have standing before judicial bodies in cases of human rights violations.

State practice sources elaborate on this, stipulating that the law should clearly state who has standing to file an election dispute.

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1075 U.N., ICCPR, art. 26; AU, AfCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1)
1076 U.N., ICCPR, art. 26
1077 U.N., ICCPR, art. 2
1078 U.N. (CCPR), General Comment 25, para. 4
1079 U.N. (CCPR), General Comment 25, para. 4
1080 U.N. (CCPR), General Comment 31, para. 18
1081 CoE (Venice Commission), Code of Good Practice, sec. 1.2.3.19
1082 CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.xv
1083 AComHPR, Principles and Guidelines, art. E
1084 OSCE (ODIHR), Legal Framework (Ed. 1), p. 81
The Election Calendar and Enjoyment of Rights

Key Obligations:
- State Must Take Necessary Steps to Give Effect to Rights

The electoral calendar included adequate time to implement all parts of the electoral process, including the electoral dispute resolution processes.

International and regional treaties obligate states to give effect to human rights,\textsuperscript{1085} including when planning the electoral process.

State practice sources elaborate on this, highlighting that it is also important when scheduling elections to allow adequate time to successfully implement other necessary parts of the election,\textsuperscript{1086} presumably including dispute resolution processes.

Freedom From Discrimination and Electoral Dispute Resolution

Key Obligations:
- Freedom From Discrimination and Equality Before the Law
- Equality Between Men and Women

The electoral dispute resolution process did not discriminate on the basis of prohibited grounds.

International and regional treaties prohibit discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, physical or mental ability, sexual orientation or gender identity, birth, or other status at any time.\textsuperscript{1087}

In addition, international treaties are clear that all are equal before the law and should enjoy the equal protection of the law.\textsuperscript{1088}

Interpretive sources indicate that the state is obligated to perform both its “negative duty” to refrain from discrimination and its “positive duty” to prevent discrimination.\textsuperscript{1089}

Everyone was treated equally before the law and courts.

In the context of dispute resolution, interpretive sources suggest that equality before the courts is essential and that this includes equality in arms and equal access to the courts.\textsuperscript{1090} Fees that de facto prevent access to the courts may violate the obligation of equal

\textsuperscript{1085} U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1.
\textsuperscript{1086} U.N., Human Rights and Elections, para. 75.
\textsuperscript{1087} U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; CoE, ECHR, art. 14; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32.
\textsuperscript{1088} U.N., ICCPR, art. 26; AU, AfCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Rights, art. 20; CIS, Convention on Human Rights, art. 20(1).
\textsuperscript{1089} U.N. (CCPR), General Comment 28, para. 21.
\textsuperscript{1090} U.N. (CCPR), General Comment 32, para. 8.
access to the courts. This guarantee extends to judicial bodies entrusted with any judicial task.

Political commitments add that procedures for the filing and adjudication of disputes must be understandable and easily accessible to all parties.

**Transparent Dispute Resolution Processes**

**Key Obligations:**
- Transparency and Access to Information
- Right to a Fair and Public Hearing

Transparency and access to information were respected during the dispute resolution process. International treaties establish the obligation of transparency and right to access information. Only certain limited restrictions may be placed on transparency and access to information.

The judgments, findings, and evidence of judicial proceedings, and legal reasoning for judgments, were made public. International treaties require that the judgment, findings, evidence of judicial proceedings, and legal reasoning of the judgment be made public in all cases (except those involving juveniles and/or matrimonial disputes).

The state proactively put in the public domain government information of public interest. International treaties indicate that states should proactively put in the public domain government information of public interest. This would include information regarding the electoral process.

Potential complainants were informed of the means of filing a complaint and the timeframe of its resolution. Political commitments recommend that all potential complainants be informed of the means by which to file a complaint and the timeframe for its resolution.

Parties to the complaints had access to factual information regarding the alleged violations. Political commitments sources suggest that effective remedy requires access to the factual information concerning the alleged violations.

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1091 U.N. (CCPR), General Comment 32, para. 11
1092 CoE (Committee of Ministers), Annex to Recommendation (81)7, para. B.5
1093 U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)
1094 U.N., ICCPR, art. 14(1); CoE, ECHR, art. 6(1)
1095 U.N., UNCAC, art. 10
1097 AcomHPR, Principles and Guidelines, art. C(b)(iii)
Complaints processes were transparent, and the opportunity to present evidence in support of a complaint existed.

State practice sources suggest that proceedings on complaints and appeals should be transparent\(^{1098}\) and that the opportunity should exist to present evidence in support of a complaint.\(^{1099}\)

**Right to a Fair and Public Hearing by an Impartial and Independent Tribunal**

**Key Obligations:**

- **Right to a Fair and Public Hearing**
- **State Must Take Necessary Steps to Give Effect to Rights**

The legal framework provided the right for a fair and public hearing by a competent, impartial, and independent tribunal in the determination of rights.

International treaties state that everyone is entitled to a fair and public hearing by a competent, impartial, and independent tribunal in determination of his/her rights.\(^{1100, 1101}\) The right to a public hearing must be protected except for specific and objective reasons as determined by law.\(^{1102}\) The independence and impartiality of tribunals are absolute rights.\(^{1103}\)

International treaties state that in the determination of suits at law, the independence and impartiality of tribunals must be promoted.\(^{1104}\)

Regional treaties state that independence of the tribunal requires proper procedures detailing appointment, term limits, security, and remuneration of tribunal members.\(^{1105}\) They also explain that states should take steps to protect the independence of the judiciary to ensure the proper functioning of dispute resolution processes.\(^{1106}\)

Interpretive sources indicate that the notion of a fair trial includes the guarantee of a fair and public hearing, absent of influence,\(^{1107}\) and further indicate that impartiality requires that judges act without bias and that the tribunal appears unbiased to the reasonable observer.\(^{1108}\)

Interpretive sources indicate that the notion of an independent tribunal is incompatible with a situation in which the functions

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\(^{1098}\) OSCE, Copenhagen Document, para. 12

\(^{1099}\) OSCE (ODIHR), Existing Commitments, p. 75

\(^{1100}\) U.N., ICCPR, art. 14(1); OAS, ACHR, art. 8(1); CoE, ECHR, art. 6(1); CIS, Convention on Human Rights, art. 6(1)

\(^{1101}\) U.N., ICCPR, art. 14; OAS, ACHR, art. 8

\(^{1102}\) U.N., ICCPR, art. 14(1); CoE, ECHR, art. 6(1)

\(^{1103}\) U.N., ICCPR, art. 14

\(^{1104}\) U.N., ICCPR, art. 14

\(^{1105}\) AU, ACHPR, art. 26

\(^{1106}\) ECOWAS, Protocol, art. 1(a)

\(^{1107}\) U.N. (CCPR), General Comment 32, para. 25

\(^{1108}\) U.N. (CCPR), General Comment 32, para. 21
and competencies of the judiciary and the executive are not clearly distinguishable or in which the executive is able to control or direct the judiciary.¹¹⁰⁹ Many electoral management bodies cannot be considered independent tribunals according to the ICCPR because they bear executive functions. In such cases, a hearing by a body that meets the criteria of a tribunal should be available.¹¹¹⁰

Right to an Effective Remedy, Including Challenging Results

_key obligations_
- Right to a Fair and Public Hearing
- Right to an Effective Remedy
- State Must Take Necessary Steps to Give Effect to Rights

The state took the steps necessary to give effect to rights during the electoral process, including through the dispute resolution process.

International treaties obligate states to take the steps necessary to give effect to human rights.¹¹¹¹ The obligation upon states to take the steps necessary to give effect to human rights applies to the entire electoral process and all electoral rights.

Interpretive sources indicate that this obligation is unqualified and of immediate effect¹¹¹² and that states should take positive measures that may include educating the population and state officials in human rights¹¹¹³ and the prevention, punishment, investigation, and/or redress of violations of human rights by nonstate actors.¹¹¹⁴ States are required to give effect within their domestic law to internationally recognized human rights for all within their jurisdiction. All branches of the government and other public or governmental authorities are responsible for meeting this obligation.¹¹¹⁵

An effective and timely remedy was available for all citizens for violations of their rights throughout the electoral process.

International treaties establish that everyone has the right to an effective (timely and enforceable) remedy for acts that violate their rights or freedoms,¹¹¹⁶ including during the electoral process.¹¹¹⁷

¹¹⁰⁹ U.N. (CCPR), General Comment 32, para. 19
¹¹¹¹ U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 1; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1
¹¹¹² U.N. (CCPR), General Comment 31, para. 14
¹¹¹³ U.N. (CCPR), General Comment 31, para. 3
¹¹¹⁴ U.N. (CCPR), General Comment 31, para. 8
¹¹¹⁵ U.N. (CCPR), General Comment 31, para. 4
¹¹¹⁶ U.N., ICCPR, art. 2; AU, AfCHPR, art. 7
¹¹¹⁷ U.N., ICCPR, art. 2; AU, AfCHPR, art. 7; OAS, ACHR, art. 25; CoE, ECHR, art. 13
¹¹¹⁸ AU, ACDEG, art. 17 (2)
Regional treaties state that remedy should be available throughout the electoral process.\(^{1119}\)

Interpretive sources elaborate on the treaties, stating that an effective remedy requires reparation and, at times, may require states to take interim measures.\(^{1120}\)

A remedy was available for violations of the right to a fair and public hearing.

Interpretive sources indicate that a remedy must also be available for violations of the right to a fair and public hearing itself.\(^{1121}\)

The state acted to investigate and address violations of rights. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.

Interpretive sources note that the right to an effective remedy requires prevention of a recurrence of the violation of the covenant.\(^{1122}\) Cessation of a violation is also noted as an essential element of an effective remedy.\(^{1123}\)

Interpretive sources are clear that states have a duty to investigate alleged rights violations and provide appropriate judicial and administrative means for addressing claims of rights violations.\(^{1124}\) They add that this duty includes the investigation of acts by private people and entities.\(^{1125}\)

The ability to challenge the results of the election was provided by law and was available to complainants as appropriate.

Regional treaties highlight that the ability to challenge election results should be provided for by law.\(^{1126}\)

“Forum shopping” was discouraged.

State practice sources indicate that appeal channels, when available, should be narrowly constructed so that neither the appellants nor the authorities can choose the appeal body.\(^{1127}\)

\(^{1119}\) AU, ACDEG, art. 17(2); ECOWAS, Protocol, art. 7
\(^{1120}\) U.N. (CCPR), General Comment 31, paras. 16, 19
\(^{1121}\) U.N. (CCPR), General Comment 32, para. 58
\(^{1122}\) U.N. (CCPR), General Comment 31, para. 17
\(^{1123}\) U.N. (CCPR), General Comment 31, para. 15
\(^{1124}\) U.N. (CCPR), General Comment 31, para. 15
\(^{1125}\) U.N. (CCPR), General Comment 31, para. 8
\(^{1126}\) ECOWAS, Protocol, art. 7
\(^{1127}\) CoE (Venice Commission), Code of Good Practice, sec. II.3.3.b
Safety, Security, and Electoral Dispute Resolution

**Key Obligations:**

- **Right to Security of the Person**

Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion.

International treaties protect the right to security of the person without arbitrary arrest or detention.\(^{1128}\) This right requires that individuals be free from physical and emotional violence at all times, including those involved in dispute processes.

Law enforcement bodies were neutral in their work.

State practice sources suggest this includes a requirement that law enforcement behave in a neutral manner during the electoral process.\(^{1129}\)

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\(^{1128}\) U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; ACHR, art. 7(1)

\(^{1129}\) EU, Handbook (Ed. 2.), p. 52
Appendix A

Public International Law: Sources and Background on Authoring Organizations

The Carter Center’s Election Obligations and Standards (EOS) database and this companion manual draw heavily on public international law sources to create a framework for election assessment. This appendix provides an overview of the sources of international law as outlined in Article 38 of the Statute of the International Court of Justice and describes the rationale behind the choice of sources used in the EOS database and this handbook.

Why Public International Law?

Public international law is the system of laws that govern interactions between nation states. Following World War II, public international law came to include human rights law, and for the first time the relationship between each nation state and its citizenry became subject to international debate. Public international law now includes an array of instruments focused on economic and social rights, as well as civil and political rights, such as the right to vote and be elected in genuine periodic elections. From the outset, the Carter Center’s efforts to articulate criteria for democratic elections have been rooted in public international law.

Public international law provides a sound foundation for election assessment criteria for several reasons. First, public international law creates a framework of standards for democratic elections that states have already accepted voluntarily. That is, states have obligated themselves, through the signature and ratification of treaties and membership in the community of states, to standards of behavior and respect for human rights.

Second, because many of the states’ obligations are documented in publicly available international treaties and other instruments, public international law provides an objective and transparent set of standards or criteria for assessing elections. These obligations represent a common agreement among states themselves and a commitment to the citizenry of each state, which is documented and publicly available for review.

Third, the use of obligations found in public international law as the basis of election assessments recognizes that genuine elections and
democratic processes more broadly require that all states continuously strive to improve and more fully meet obligations. Discussion about the quality of elections and the content of election standards, therefore, reflects a recognition that all democracies are inherently imperfect and require vigilance and constant efforts to maintain and improve them.

Finally, public international law provides the most credible and objective foundation for fostering dialogue among election professionals, human rights bodies, states, election observers, and others on common measures of election quality that are applicable to all nations.

**Sources of Public International Law**

Public international law, evidenced by the International Covenant on Civil and Political Rights (ICCPR)\(^{1130}\) and subsequent international and regional treaties,\(^ {1131}\) clearly establishes an obligation for states to hold genuine elections. Article 25 of the ICCPR states:

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

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 voters;

c) To have access, on general terms of equality, to public service in his country.”

These obligations, along with a handful of other obligations, such as freedom of expression, freedom of assembly and association, and freedom of movement, are widely recognized as inherently relevant to elections and, as such, are core benchmarks for election assessments.

In addition to treaties and instruments, evidence of international legal obligations also can be found in international customary law, general principles of law that are recognized by all nations, judicial decisions, and also “the teachings of highly qualified publicists.”

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\(^{1130}\) International Covenant on Civil and Political Rights (adopted 16 December, 1966, entered into force 23 March, 1973); 999 UNTS 171

\(^{1131}\) U.N., UDHR, art. 21; CoE, ECHR, art. 3 of protocol 11; OAS, ACHR, Art 23(1)(b), CIS,

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An obligation is “a legal . . . duty to do or not do something” (Black’s Law Dictionary, abridged, 7th Edition). In the case of public international law, the obligations are those to which states parties have committed by acceding to a convention.
In addition to providing a substantive basis of public international law, many of these sources provide additional definition to or explanation of other sources of international law. In the following paragraphs we provide greater detail on these sources of international law.

Treaties

A treaty is an international agreement, generally concluded between two or more states in writing and governed by international law. Treaties also may be concluded between states and international organizations and between international organizations. The precise designation may vary, and some treaties are called conventions, covenants, or protocols, among other terms. Treaties in force are binding upon the ratifying parties and must be adhered to in good faith. In addition, the provisions of a state’s domestic law cannot be used as a justification for failure to meet obligations enshrined in a treaty. While treaties do not directly bind third parties, they may form the basis of customary international law obligations, which are binding on third parties. This is particularly pertinent when considering the wider implications of obligations codified in regional treaties on countries outside their geographic area. In general, to become part of customary international law, the treaty provision in question must be of a “fundamentally norm-creating character,” be widely (but not universally) accepted, and be recognized as binding (opinio juris).

Treaties are to be interpreted by state parties in good faith in accordance with the ordinary meaning to be given to the terms of the treaty. If the meaning is not clear, the travaux preparatoires (the negotiating history) may be used as a supplementary means of interpretation. (See also the section on interpretation below.)

Signature, Ratification, and Accession of Treaties, and Entry into Force

Consent by a state to be bound by a treaty is generally a multistep process that begins with signature of the treaty. Signatures that are
subject to ratification do not in themselves legally bind the state to
the content of the treaty. Rather, the process of signature expresses
the willingness of the state to proceed to ratification and creates an
obligation to refrain, in good faith, from acts that would defeat the
object and the purpose of the treaty.\textsuperscript{1137}

Ratification is the act whereby a state indicates its consent to be
bound by a treaty. In the case of multilateral human rights trea-
ties, this is generally accomplished through a depository mecha-
nism outlined in the treaty itself.\textsuperscript{1138} In the case of the United
Nations, for example, states may deposit their ratifications with
the secretary-general.

States may also accede to a treaty, accepting an offer or opportu-
nity to become a party to a treaty negotiated and signed by other
states (usually after the treaty has already entered into force), with
the same legal effect as ratification. The processes and procedures
for accession are usually defined in the treaty itself.\textsuperscript{1139} Most often,
accession to treaties takes place after a political transition.

It is important to note that states may declare reservations to one or
more provisions of a treaty at the time of signature, ratification, or
accession. A reservation is a declaration made by a state that allows
it to change the legal effect of provisions of a treaty in their applica-
tion to the state. Any reservations made should not undermine the
object and purpose of the treaty, and, in some cases, a treaty may
actually prohibit or limit the reservations that can be applied.\textsuperscript{1140}

The date that a treaty “enters into force,” or is fully binding, is typi-
cally outlined in the treaty itself. In the case of multilateral human
rights treaties, entry into force is commonly defined as occurring
after a specified number of ratifications have been deposited, or a
specific period of time has elapsed after the deposit of the required
number of ratifications.\textsuperscript{1141}

**Domestication of Treaties**

The process by which international treaties and agreements become
binding national law varies among countries. In some cases the
constitutional framework is such that international agreements
become binding national law through the process of treaty ratifi-
cation. In other countries, international treaty provisions must be
translated into legislation that is promulgated through legislative
channels. In all cases, agreement to be bound by treaty requires
\begin{itemize}
\item \textsuperscript{1137} Vienna Convention on the Law of Treaties, arts. 10 and 18
\item \textsuperscript{1138} Vienna Convention on the Law of Treaties, arts. 2(1)(b), 14(1), and 16
\item \textsuperscript{1139} Vienna Convention on the Law of Treaties, arts. 2(1)(b) and 15
\item \textsuperscript{1140} Vienna Convention on the Law of Treaties, arts. 2(1)(d) and 19–23,
\item \textsuperscript{1141} Vienna Convention on the Law of Treaties, art. 24
\end{itemize}
that the necessary steps be taken to give effect to the treaty in national law.

**Judicial Decisions and Interpretation of Treaties**

The decisions of judicial bodies, such as the International Court of Justice, European Court of Human Rights, the Inter-American Court of Human Rights, and African Court of Human and Peoples’ Rights, can provide general interpretations of the meaning of treaty obligations. But given the nature of judicial proceedings, interpretation will be closely linked to the specificities of the facts of the case in question.

In some circumstances, treaty supervisory bodies act in an adjudicative capacity and hear individual cases. The United Nations Human Rights Committee, for example, receives and considers communications from individuals who claim to be victims of a violation of covenant rights by a state party that has ratified the optional protocol of the ICCPR. The committee’s decisions (strictly speaking, its “views”) inform the overall interpretation of the treaty. In addition, the committee has adopted a number of General Comments, setting forth its interpretation of particular provisions of the covenant. In the context of elections, the most notable of these is General Comment No. 25. The practice of making such general recommendations has been adopted by a number of other treaty supervisory bodies such as the Committee on the Convention on Elimination of Discrimination Against Women (CEDAW) and the Committee on the International Convention on the Elimination of Racial Discrimination (CERD). General Comments, responses to individual complaints, and Concluding Observations on state reports of U.N. treaty-monitoring bodies have normative and legal significance and are widely referenced by international and national courts, as well as by experts and practitioners.

**Customary International Law**

Also identified as a source of law is international custom, evidenced by a general practice accepted as law. Whereas treaties establish rules expressly recognized by states (and which, by definition, are set down in writing, signed, and ratified), custom as a source of law takes account of the practice of states in their relations with each other and in matters subject to international legal regulation. State practice can become the basis of binding customary international law when it is followed consistently over time (the period of time can be relatively short), where it is widely followed (but not necessarily universally), and where there is evidence (which may be a
matter of inference) that the practice is considered obligatory as a matter of law.\textsuperscript{1142} Once accepted as customary international law, all states are bound by it unless they have expressed a valid objection to the norm, irrespective of any formal consent.

In considering whether a practice has become binding as a matter of general international law (and also irrespective of whether a treaty-based norm has emerged to become generally binding, even on nonparties), the evidence of what states actually do is particularly important. In this context, national legislation, national practices, administrative arrangements, and national judicial decisions are relevant. In addition, the views of states, for example, as expressed in international forums on the adoption of otherwise nonbinding declarations and resolutions, or in official correspondence with concerned parties, such as regional organizations or other nongovernmental actors, may confirm the sense of legal obligation.

Other Instruments

Other instruments such as declarations, guidelines, or statements of principles, particularly where adopted in international forums with wide or significant state participation, outline points of agreement between parties. These instruments can be extremely influential in the creation of customary law, both in terms of impacting state practice and as a means of demonstrating the acceptance of a practice as law. The Universal Declaration of Human Rights, for example, was drafted and adopted as a nonbinding instrument, but many of its provisions have since become binding as a matter of customary international law.

Particularly in the context of human rights, these instruments often precede the passage and ratification of more formal codification of international obligations in international treaties.

Other Sources of Evidence of State Practice: “Teachings of Highly Qualified Publicists” and Organizations

A final category of evidence of obligation in international law is the “teachings of highly qualified publicists.” This is generally understood to mean the writings and work of legal scholars. However, it is also increasingly understood to include the work of intergovernmental and nongovernmental organizations whose “factual investigations into state practice and beliefs can provide important evidence of opinio juris.... NGOs can be viewed as engaged in an important debate about current opinio juris and about the desirability of recognizing new norms of international law.”\textsuperscript{1143}

\textsuperscript{1142} For ICJ interpretation of the creation of custom from state practice, please see International Court of Justice (ICJ), North Sea Continental Shelf (Federal Republic of Germany/Netherlands and Federal Republic of Germany/Denmark), (1969).

Appendix B

Background Information on Select Authoring Organizations, Treaty Monitoring, and Enforcement Mechanisms

A number of intergovernmental organizations have a mandate regarding the creation of international human rights treaties. The organizations differ from each other in composition and structure and have different mechanisms for monitoring and enforcing treaty obligations. Understanding the role and legal status of the instruments created by these organizations is helpful in making electoral assessments. The section that follows provides a brief overview of the organizations whose instruments are included in the database and this handbook, their monitoring and enforcement mechanisms, and examples of important treaties and instruments. A full list of sources contained in the EOS database and referenced in previous sections of this handbook is included in Appendix D.

The United Nations (U.N.)

Since the middle of the 20th century, international human rights mechanisms within the U.N. system have developed along two parallel tracks: the treaty-based system and the charter-based system.

Treaty-Based System and Treaty-Monitoring Bodies

The treaty-based system stems from the promulgation of various international treaties. Particularly relevant to elections and democratic governance are seven treaties: (1) International Covenant on Civil and Political Rights (ICCPR); (2) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); (3) International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); (4) Convention on the Rights of the Child (CRC); (5) Convention on the Rights of Migrant Workers (CRMW); (6) Convention Against Corruption (UNCAC); and (7) Convention on the Rights of People with Disabilities (CRPD). Six of these also have a treaty-monitoring body with a mandate to interpret and apply the convention as part of a regular review of state reports. In addition, these treaty bodies may receive and respond to
individual complaints. They also draft General Comments, which serve as authoritative interpretations of their respective treaties.

Each committee is composed of independent experts who, while nominated by their state, serve in a personal capacity. Committee members are independent and objective, and the committees themselves are autonomous, not part of the political or intergovernmental organs of the United Nations. Committee members are elected, and there is no limit on the number of re-elections that may take place. The selection of members to these bodies is conducted so as to encourage equitable geographic representation. Table 2 offers a summary of the treaty-monitoring bodies most relevant to election-related issues.

Table 2: Election-Related Treaties and Their Monitoring Bodies

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Monitoring Body</th>
<th>Can Receive Individual Complaints?</th>
<th>No. of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Convention on Civil and Political Rights (ICCPR)</td>
<td>United Nations Human Rights Committee (CCPR)</td>
<td>Yes</td>
<td>18</td>
</tr>
<tr>
<td>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</td>
<td>Committee on the Elimination of Racial Discrimination (CERD)</td>
<td>Yes</td>
<td>18</td>
</tr>
<tr>
<td>Convention on the Rights of the Child (CRC)</td>
<td>Committee on the Rights of the Child (CRC)</td>
<td>No</td>
<td>18</td>
</tr>
<tr>
<td>Convention on the Rights of People with Disabilities (CRPD)</td>
<td>Committee on the Rights of People with Disabilities (CRPD)</td>
<td>Yes</td>
<td>18</td>
</tr>
<tr>
<td>Convention on the Rights of Migrant Workers (CMW)</td>
<td>Committee on the Rights of Migrant Workers (CMW)</td>
<td>No</td>
<td>10</td>
</tr>
</tbody>
</table>

While General Comments, responses to individual complaints, and Concluding Observations on state reports of U.N. treaty-monitoring bodies are not legally binding, they do have normative and legal significance and are widely referenced by international and national courts and by experts and practitioners.

1144 Individual complaints mechanisms are codified in art. 14 of ICERD, and the optional protocols of the ICCPR, CEDAW, and CRPD. The optional protocols to the CRC and the CMW, which include individual complaints mechanisms as well, have not yet entered into force. It should be noted that the legal significance of findings of violations expressed by committees that can receive individual complaints is greater than the expressions of concern or recommendations in Concluding Observations on states’ reports.
The Charter-Based System

The charter-based system includes the U.N. organs and mechanisms that have been developed to implement human rights provisions as initially laid out in the U.N. charter of 1945 and in support of the Universal Declaration of Human Rights. These include the Security Council and the General Assembly, whose resolutions directly reference human rights issues related to elections. They also include the Office of the High Commissioner for Human Rights, the Human Rights Council and its subsidiary bodies, and the Special Procedures (such as Special Rapporteurs, independent experts, or working groups on specific issues).

Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights (OHCHR), the highest human rights official in the U.N. system, provides assistance to states in the protection and fulfillment of human rights. In addition, the office works to mainstream human rights within the United Nations, serves as the secretariat of the Human Rights Council, and supports the work for Special Procedures or Special Mandate holders. In addition, as part of its standard-setting, monitoring, and implementation responsibilities, the OHCHR provides support to treaty-monitoring bodies.

Human Rights Council

The Human Rights Council is an intergovernmental body within the United Nations that has a mandate to strengthen the protection of human rights globally. Forty-seven member states are elected by the U.N. General Assembly to serve on the council. Prominent among the responsibilities of the Human Rights Council is the Universal Periodic Review mechanism, through which the council assesses the human rights situation of member states on a state-to-state level. In addition, the Human Rights Council can receive individual complaints regarding systematic and gross human rights violations. Complaints can be submitted by individuals, groups, or NGOs that claim to be victims of the violations or have reliable information regarding alleged violations.

The Human Rights Council issues recommendations and resolutions on human rights issues. These political commitments generally indicate points of agreement of member states of the Human Rights Council. The council may request additional action be taken by the OHCHR through this process.

Special Procedures of the Human Rights Council

Special Procedures of the council are independent human rights experts who report and advise on specific issues of concern. In 2013 there were 37 thematic and 14 country-focused mandates.

The Special Procedures may be individuals (Special Rapporteurs or independent experts) or may be working groups of experts on a specific topic. Special Procedures conduct country visits, act on individual cases or concerns, and conduct thematic studies. They report annually on their findings to the Human Rights Council and often also to the General Assembly. While their reports contribute to the creation of international law and are influential, they are not legally binding.

Notable U.N. instruments relevant to electoral processes include the following:

**Treaties**
- International Covenant on Civil and Political Rights (adopted, 1966; entered into force, 1976)
- Convention on the Rights of People with Disabilities (adopted, 2006; entered into force, 2008)

**Other International Instruments**
- Universal Declaration of Human Rights (1948)

**Interpretive Documents**
- CEDAW Committee, General Recommendation No. 5 on Temporary Special Measures (1988)
- CEDAW Committee, General Recommendation No. 23 on Public and Political Life (1997)
- United Nations Human Rights Committee, General Comment No. 18, Nondiscrimination (1989)
• United Nations Human Rights Committee, General Comment No. 32 on Article 14: Right to Equality before Courts and Tribunals and to Fair Trial (2008)
• United Nations Human Rights Committee, General Comment No. 34 on Article 19: Freedom of Opinion and Expression (2011)

African Union (AU)

The African Union (AU) is an intergovernmental organization whose membership includes all of the independent countries in Africa or in African waters, except Morocco, which has unilaterally withdrawn from the AU, and one country that is currently suspended.1148 Established in 2002 as a successor to the Organization of African Unity (OAU), the AU works to ensure democracy, human rights, and a sustainable economy throughout Africa. Treaties of the African Union, once entered into force, are binding upon all member states. The AU is made up of a number of official organs, including the Assembly of the African Union, the organization’s supreme governing body composed of the heads of member states and governments; the Pan-African Parliament, the organization’s legislative body; and the African Court on Human and People’s Rights, the organization’s principal judicial body on human rights issues.

The African Court of Human and Peoples’ Rights (ACHPR) was established by a 1998 protocol that entered into force in 2004 following ratification by the required 15 states. In advancing the African Charter on Human and Peoples’ Rights, the ACHPR works in cooperation with the African Commission on Human and Peoples’ Rights, an adjudicatory body with no binding powers that is limited in function to examining state reports, considering alleged violations, and interpreting the charter upon request by a state, the AU, or organization recognized by the AU. While the ACHPR handles cases related to international human rights commitments, particularly those arising from the African Charter and international treaties or instruments ratified by state parties, the court has no criminal jurisdiction and will only work with issues related to human rights violations. In July 2005, the AU decided create the African Court of Justice and Human Rights, which is anticipated to replace the ACHPR. It will have two organs—one focused on general legal disputes and the other on human rights. However, the protocol to merge the two courts has yet to enter into force.

The ACHPR has 11 judges who are nationals of member states. They are elected for a six-year term and are eligible for re-election once. Recognized NGOs, as well as member states and AU organs, may request opinions of the ACHPR. In addition, individuals

1148 The Central African Republic was suspended as of Aug. 29, 2014.
from states that have signed a declaration that permits individual complaints have standing before the court. The AFHPR has been actively hearing cases, including those related to election matters, since 2010.

**NEPAD**

As an economic development program under the AU, the New Economic Partnership for African Development (NEPAD) aims to eradicate poverty, increase sustainable growth development, integrate Africa into the global economy, and accelerate the empowerment of women. NEPAD has its own secretariat, which is based in South Africa.

Notable AU instruments relevant to electoral processes include the following:

**Treaties**


**Other Regional Instruments**

- NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2003)

**Commonwealth of Independent States (CIS)**

The Commonwealth of Independent States (CIS) is an international organization composed of the nine full-member states of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, and Uzbekistan. Turkmenistan and Ukraine are participating members. Created in 1991 during the final dissolution of the Soviet Union, the CIS was established to increase economic integration and promote democratization throughout its member states. The CIS is based in Minsk, Belarus. The CIS Convention of Human Rights and Fundamental Freedoms, which came into force in 1998, provides for the establishment of a Human

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1149 At the time of writing, this is limited to seven states: Burkina Faso, Ghana, Malawi, Mali, Rwanda, Tanzania, and Cote d’Ivoire.

1150 Georgia is a former member state at the time of writing.
Rights Commission of the CIS to act as a control mechanism focused on monitoring state execution of the convention.

**Treaties**


**Council of Europe (COE)**

Based in Strasbourg, France, the Council of Europe (COE) is an international organization composed of 47 European states. The COE was founded in 1949 to increase economic integration, improve human rights, and strengthen the rule of law throughout Europe. It does this through a number of official organs, including the Committee of Ministers, the organization’s highest decision-making body, composed of the foreign ministers of all member states; the Parliamentary Assembly, one of the organization’s statutory bodies, which is composed of 636 national parliamentarians from member states; and the European Court of Human Rights, the organization’s judicial body, which primarily monitors state compliance with the 1950 European Convention of Human Rights.

The court is composed of 47 judges (one per state party to the convention). They are elected by the Parliamentary Assembly of the Council of Europe (PACE) from nominees proposed by the member state. Each judge is elected for a nonrenewable nine-year term.  

Contracting states and individuals, NGOs, companies, and groups can bring cases to the court, alleging violation by a contracting state of the convention. Domestic remedies must be exhausted, and an application to the court generally must be made within six months of the final decision of the national court. Decisions rendered by the court on such matters are final and binding on concerned states. The Committee of Ministers of the Council of Europe ensures compliance with court judgments.

**The Venice Commission**

The European Commission for Democracy Through Law, or Venice Commission, was established in 1990 as an advisory body to the Council of Europe. Membership is composed of 59 states, including the 47 members of the Council of Europe. The commission is formed from eminent experts in the fields of law, political science, and democratic governance, appointed by participating countries.

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Commission experts issue reports and recommendations in four key areas: constitutional assistance; elections and referendums; cooperation with constitutional courts; and transitional studies, reports, and seminars.\footnote{The Venice Commission often works with the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) in conducting legal reviews of participating states.}

**Treaties**


**Other Regional Instruments**


**Economic Community of West African States (ECOWAS)**

The Economic Community of West African States (ECOWAS) is an international organization of 15 states: Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. It was established in 1975 to further regional integration of economic development. It works toward this goal through a number of official organs, including a commission, community parliament, the Bank for Investment and Development, and the Community Court of Justice.

The ECOWAS Community Court of Justice is composed of seven judges who are nationals of member states. They each serve a four-year term. Of all the regional courts, the ECOWAS Court of Justice has the least restrictive rules regarding *locus standi*. Member states and NGOs have standing before the Community Court of Justice. In addition, private citizens have direct access to the court. Unlike other regional courts, it is not necessary for a complaint to be referred by an organ of the intergovernmental organization such as the African Commission on Human and Peoples’ Rights, and member states do not have to have agreed to citizen access to the court by signing a declaration. Finally, it is important to note that domestic remedies do not have to be exhausted for a complaint.
to be brought to the court. The only requirements are that the complaint not be anonymous and that the case not be pending before another international court.1153

Because ECOWAS does not have a human rights protocol or bill of rights, the ECOWAS Community Court applies the international human rights instruments that the state has ratified (U.N., AU, and other treaties) as well as other sources of law outlined in Article 38 of the Statute of the International Court of Justice (see section above) when issuing opinions.1154 In addition, reference is made to the jurisprudence of other regional courts and treaty-monitoring and enforcement bodies.

Examples of ECOWAS instruments included in the database and handbook include the following:

**Regional Instruments**
- Declaration of Political Principles of the Economic Community of West African States (1991)
- Economic Community of West African States, Protocol A/SP1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security (2001)

**League of Arab States (LAS)**

The League of Arab States (LAS) is an international organization composed of 22 Arab states in the Middle East and Africa. Established in 1945, the LAS works to “draw closer the relations between member states and coordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries.” The LAS works to accomplish these goals through a number of official organs, including a council, special committees, and a permanent secretariat based in Cairo, Egypt.

In 2004, a revised version of the Arab Charter was drafted to align human rights standards more closely with prevailing international law and to improve upon the 1994 charter by guaranteeing a number of basic freedoms and protections. In conjunction with the revised charter, a modernization package for the league provided for the establishment of an Arab Court of Justice (ACJ) in 2002, which has yet to come into existence.

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The Arab Human Rights Committee (AHRC) was created in 2009 and is charged with monitoring signatory state commitment to the new Arab Charter. It is composed of seven members elected by secret ballot. Nomination for election to the committee is based on experience in human rights and personal integrity. The AHRC is responsible for interpreting and commenting on Arab Charter provisions with respect to international human rights standards and has received and provided comments on a number of states’ reports.

League of Arab states instruments included in the database and handbook include the following:

*Treaties*

**Organization of American States (OAS)**

The Organization of American States (OAS) has its seat in Washington, D.C., and is composed of 35 member states representing the nations of North America, South America, and Central America. Nations outside the Western Hemisphere are allowed to participate as “permanent observers.” The purpose of the OAS is to promote regional cooperation throughout the Americas, focusing on democratization, human rights, and the eradication of poverty and the drug trade. Major bodies of the OAS include the General Assembly, which is the supreme body composed of state delegations, and the Permanent Council, which is composed of one ambassador from each member state. Additionally, the OAS maintains an inter-American system for promoting and protecting human rights as enshrined in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights. The main organs are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

An autonomous, permanent body of the OAS, the commission is charged with promoting human rights observance and defense and advances several functions in fulfilling its mandate, including receiving, analyzing, and investigating individual petitions alleging human rights violations; observing the general human rights situation in member states and publishing special reports; recommending that members adopt specific measures to protect human rights; requesting that members adopt “precautionary measures” or requesting that the court order “provisional” measures; submitting

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cases to the court and appearing in litigation proceedings; and requesting advisory opinion from the court on interpretation of the American Convention.

Established in 1979, the court acts as an autonomous judicial institution aimed at the application and interpretation of the convention and other treaties concerning the rights outlined in the convention. Composed of seven judges, the court has contentious jurisdiction that must be accepted by member states as a function of state commitment to either the convention or the declaration. Although the court hears petitions brought by individuals against member states who have accepted the jurisdiction of the court, such individuals must present a case to the commission, which then recommends and submits cases for review by the court. Decisions of the court are binding only upon the 22 states that have accepted the court’s jurisdiction.

Examples of OAS instruments included in the database and handbook are as follows:

*Treaties*
- Inter-American Convention on the Granting of Political Rights to Women (entered into force, 1949)
- Inter-American Convention Against Corruption (adopted, 1996; entered into force, 1997)

*Other Regional Instruments*
- Inter-American Democratic Charter (2001)

**Organization for Security and Cooperation in Europe (OSCE)**

With 57 participating states from Europe, Central Asia, and North America, the Organization for Security and Cooperation in Europe (OSCE) forms the largest regional security organization in the world. The OSCE is a primary instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation in its area.

The organization deals with three dimensions of security: politico-military, economic and environmental, and human. It therefore addresses a wide range of security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratization, policing strategies, counterterrorism, and economic and environmental activities. All 57 participating states enjoy equal status, and decisions are taken by consensus on a political, but not legally binding, basis.
The OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance, and expertise to participating states and civil society to promote democracy, rule of law, human rights and tolerance, and nondiscrimination. ODIHR is specifically mandated to observe elections within the 57 participating states. The office also supports authorities in their efforts to improve electoral processes and to follow up on recommendations by ODIHR election observation missions by reviewing election-related legislation, providing technical expertise, and supporting the activities of citizen observer groups.

Examples of OSCE instruments included in the database and handbook are as follows:

**Other Regional Instruments**
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen Document) (1990)
- Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow Document) (1991)
- Istanbul Document (1999)

**Southern African Development Community (SADC)**

The Southern African Development Community is comprised of 14 member states: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia, Zimbabwe, Namibia, South Africa, Mauritius, the Democratic Republic of the Congo, and Madagascar. SADC is seated in Gaborone, Botswana, and operates with a goal of ensuring economic stability, improved standards of living, social justice, and security for all member states. SADC has the ability to create treaties to which all member states are bound, as well as publishing nonbinding guidelines and principles for SADC.

The SADC Tribunal became operational in 2005; however, it was disbanded in 2012. At the time of writing, there was no functioning SADC judicial body.

Examples of SADC instruments included in the database and handbook are as follows:

**Treaties**
- SADC, Protocol Against Corruption (adopted 2001; entered into force 2005)

**Other Regional Instruments**
## Appendix C
### Illustrative Questions for Data Collection

## 1. Legal Framework

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International Human Rights Obligations in the Legal Framework</strong></td>
<td></td>
</tr>
</tbody>
</table>
| The legal framework for elections included the protection of fundamental rights and made international obligations domestically binding. | • Does the legal framework provide for the conduct of elections that are in accordance with international standards and political rights?  
• Are relevant provisions from international/regional treaties incorporated into the national legal framework?  
• Do any legal provisions contradict international obligations of the state? |
| Any restrictions placed on fundamental rights were reasonable and objective. | • What, if any, restrictions on fundamental human rights and freedoms are in place?  
• Are any groups particularly impacted by any restrictions? |
| Key aspects of the election process were enshrined in law at the highest level (e.g., the electoral system was enshrined in the constitution). | • Which aspects of the electoral process are enshrined in the constitution and which are left to legislative or administrative discretion? |
| Participatory rights were protected at the highest level of the law (the constitution). | • How do the country’s international obligations impact the legal framework for elections?  
• Does the constitution incorporate human rights and/or treaty obligations? |

### Derogation of Obligations

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
</table>
| When derogating obligations or restricting human rights, the least restrictive measures were taken, and no limitations were placed on nonderogable rights. | • Have any limitations been placed on nonderogable rights (i.e., discrimination on the basis of race, color, sex, language, religion, or social origin)?  
• If any limitations are placed on derogable rights, are they the least restrictive measures possible in order to achieve the necessary outcome? Are they temporary?  
• Who is affected by any limitations? |
| Prior to the derogation of human rights and electoral obligations, a state of emergency was publicly announced. | • Did authorities publicly declare a state of emergency prior to any derogation of human rights? |
| Any restrictions on rights were justified by law and subject to review. | • Have authorities based their justification of any limitations on rights in law?  
• Are the restrictions subject to judicial review? |
### Rule of Law and the Legal Framework

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
<th>Rule of Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>The principles of rule of law were promoted.</td>
<td>• Are all decisions related to the electoral process subject to the rule of law?</td>
</tr>
<tr>
<td>The legal framework for elections was stable.</td>
<td>• Have any late changes been made to laws or regulations? If so, is there adequate publicity to ensure that stakeholders are aware of the changes?</td>
</tr>
<tr>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
<td>• Are there valid reasons and a general consensus behind any late changes?</td>
</tr>
<tr>
<td>Sanctions for violations of the electoral law were proportionate, appropriate, and effectively enforced.</td>
<td>• Are laws enforced consistently?</td>
</tr>
<tr>
<td>• Is the law publicly promulgated and available in the official languages of the country?</td>
<td></td>
</tr>
<tr>
<td>• Are sanctions provided by law proportionate to the severity of the offense?</td>
<td></td>
</tr>
<tr>
<td>• How are sanctions enforced?</td>
<td></td>
</tr>
</tbody>
</table>

### State Authorities Responsible for Upholding Rights

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
<th>Authority and Responsibility of the Electoral Management Body in Interpreting the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>All branches of the government are responsible for protecting human rights, including those responsible for administering election processes.</td>
<td>• Under the legal framework, who is responsible for protecting human rights during electoral processes?</td>
</tr>
<tr>
<td>• Are there other, independent mechanisms to promote the protection of human rights? (e.g., ombudswoman)</td>
<td></td>
</tr>
<tr>
<td>• Does the legal framework provide for civic education to inform people of their electoral rights?</td>
<td></td>
</tr>
</tbody>
</table>

### Authority and Responsibility of the Electoral Management Body in Interpreting the Law

<table>
<thead>
<tr>
<th>Rule of Law</th>
<th>The role of the electoral management body in interpreting and administering the election law was clearly defined in the legal framework.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• What body has the legal power to promulgate electoral regulations?</td>
<td></td>
</tr>
<tr>
<td>• What is the EMB's role in administering and interpreting the law?</td>
<td></td>
</tr>
<tr>
<td>• Is the EMB's interpretation subject to additional review by another body (e.g., the supreme or constitutional court, legislature, or other)?</td>
<td></td>
</tr>
</tbody>
</table>

### Regularity of Elections

<table>
<thead>
<tr>
<th>Periodic Elections</th>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elections have been held periodically.</td>
<td>The period between elections was not unduly long.</td>
</tr>
<tr>
<td>• How often does the legal framework require that elections for each office take place?</td>
<td></td>
</tr>
<tr>
<td>• How often have elections taken place?</td>
<td></td>
</tr>
<tr>
<td>• Has the time between elections been so long as to suggest that elected officials no longer represent the will of the voters?</td>
<td></td>
</tr>
</tbody>
</table>

### Postponement of Elections

<table>
<thead>
<tr>
<th>Periodic Elections</th>
<th>The legal framework only allowed for temporary postponement of the election in times of declared state of emergency.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Does the legal framework permit a delay to elections?</td>
<td></td>
</tr>
<tr>
<td>Under what conditions?</td>
<td></td>
</tr>
</tbody>
</table>
### Election Calendar and the Enjoyment of Rights

<table>
<thead>
<tr>
<th>Periodic Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></td>
</tr>
<tr>
<td>The legal framework included a realistic electoral calendar that allowed states adequate time to give effect to rights and successfully implement all aspects of the election.</td>
</tr>
<tr>
<td>• Does the calendar allow adequate time for boundary delimitation, voter registration, electoral dispute resolution, etc.?</td>
</tr>
<tr>
<td>• Does the legal framework contain steps to follow in the event the calendar is not observed?</td>
</tr>
<tr>
<td>The legislative calendar related to the development of electoral laws was published well in advance of deadlines.</td>
</tr>
<tr>
<td>• How long in advance of the elections was electoral legislation finalized and promulgated?</td>
</tr>
<tr>
<td>• Is the legislative calendar published far enough in advance to provide all stakeholders an opportunity to represent their positions and to promote legal certainty?</td>
</tr>
</tbody>
</table>

### Freedom From Discrimination in the Legal Framework

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>The legal framework for elections did not discriminate on the basis of prohibited grounds.</td>
</tr>
<tr>
<td>• Are there any legal provisions that directly or indirectly discriminate on the basis of race, color, sex, language, political or other opinion, national or social origin, property, birth or other status, sexual orientation or gender identity, or physical or mental ability?</td>
</tr>
<tr>
<td>Minorities were able to use their own languages.</td>
</tr>
<tr>
<td>• Does the law allow for the use of minority languages throughout the electoral process, including in campaigning, media, and voter education materials?</td>
</tr>
<tr>
<td>• Is the legal framework available in minority languages?</td>
</tr>
<tr>
<td>The legal framework for elections included guarantees of equality before the law.</td>
</tr>
<tr>
<td>• Does the legal framework explicitly guarantee equality before the law? If so, for whom?</td>
</tr>
<tr>
<td>The legal framework provided equal access to any place or service intended for use by the public.</td>
</tr>
<tr>
<td>• What restrictions does the legal framework place on access to public places? Are these time- or context-bound?</td>
</tr>
<tr>
<td>• Were citizen observers denied access to polling stations or other public facilities in use during the electoral process? Why?</td>
</tr>
<tr>
<td>• Does the legal framework provide equal access to public service positions (e.g., within the electoral management body)?</td>
</tr>
</tbody>
</table>

### Citizenship

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equality Between Men and Women</strong></td>
</tr>
<tr>
<td>The rules regarding citizenship were clear and nondiscriminatory.</td>
</tr>
<tr>
<td>• What are the criteria for citizenship? Are they clear and understandable?</td>
</tr>
<tr>
<td>• Do citizenship criteria discriminate against particular groups of people? If so, whom?</td>
</tr>
<tr>
<td>• Are there restrictions on who can acquire or confer citizenship?</td>
</tr>
<tr>
<td>• With respect to the enjoyment of rights, are distinctions made between those who attained citizenship by birth and those who attained it through naturalization?</td>
</tr>
<tr>
<td>Citizenship rules did not discriminate directly or indirectly against women.</td>
</tr>
<tr>
<td>• Are women discriminated against in terms of acquiring or conferring citizenship?</td>
</tr>
</tbody>
</table>
## The Legal Framework and Equality Between Men and Women

| Equality Between Men and Women | The legal framework for elections included guarantees of equality before the law for men and women. | • Does the legal framework include guarantees of equality between men and women?  
• Are there any legal provisions that directly or indirectly discriminate against women? |
|--------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Special Measures               | The state took steps to ensure de facto equality between men and women. | • Are there special mechanisms in place to promote women’s participation, candidacy, and election to office (e.g., through electoral quotas, provision of funding, training, or mandating the number of women and/or special party lists)?  
• Are there legal measures in place to promote women to decision-making positions within government structures such as the EMB?  
• If quotas are used, do they achieve the desired outcome?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
| State Must Take Necessary Steps to Give Effect to Rights | Special measures were taken, as necessary, to promote equality for minorities. | • Are there legal provisions ensuring the right to vote and/or be elected for minorities?  
• Does the legal framework contain any affirmative measures to offset past or current discrimination?  
• If quotas are used, do they achieve the desired outcome?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
| Special Measures               | Special measures were taken to ensure de facto equality for people with disabilities. | • Are there provisions in place to ensure that people with disabilities can fully participate in the electoral process?  
• Is there a recognized need for special measures for people with disabilities?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
| The Right to an Effective Remedy, Including Challenging Election Results | The legal framework provided citizens with an effective (timely and enforceable) remedy throughout the electoral process. | • Does the legal framework provide clear guidance on the process of seeking a remedy?  
• Are the remedies available appropriate to the time-bound nature of the electoral process?  
• Are remedies provided effective (timely and enforceable)?  
• Who has the authority to enforce remedies according to the law?  
• Who has legal standing to seek a remedy for violations? |
| Right to an Effective Remedy   | The legal framework for elections included the right to challenge the election results as necessary. | • In what circumstances are challenges to election results permitted?  
• What is the legal process for challenging election results?  
• Who has standing to challenge the election results? |
## 2. Electoral System and Boundary Delimitation

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Legal Framework for Electoral Systems and Boundary Delimitation</strong></td>
<td></td>
</tr>
<tr>
<td>The principles of rule of law were promoted.</td>
<td>Are all decisions related to the electoral system and boundary delimitation subject to the rule of law?</td>
</tr>
<tr>
<td>Who makes decisions regarding the electoral system and boundary delimitation process? Is this person/body independent and impartial?</td>
<td></td>
</tr>
<tr>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
<td>Are laws enforced consistently during the boundary delimitation process?</td>
</tr>
<tr>
<td>Are laws pertaining to the electoral system and boundary delimitation publicly promulgated and available in the official languages of the country?</td>
<td></td>
</tr>
<tr>
<td>The legal framework for elections was consistent with international human rights.</td>
<td>Does the legal framework ensure that the electoral system and boundary delimitation process are in compliance with international obligations and human rights?</td>
</tr>
<tr>
<td>There were clear legal provisions regarding the electoral system and boundary delimitation.</td>
<td>Where in the legal framework are provisions regarding the electoral system and boundary delimitation enshrined (e.g., the constitution, laws, regulations)?</td>
</tr>
<tr>
<td>Are provisions on the electoral system and boundary delimitation subject to misinterpretation?</td>
<td></td>
</tr>
<tr>
<td><strong>Oversight of Boundary Delimitation</strong></td>
<td></td>
</tr>
<tr>
<td>The state took the steps necessary to give effect to rights regarding the boundary delimitation process through effective oversight mechanisms.</td>
<td>How often does boundary delimitation take place?</td>
</tr>
<tr>
<td>Who has the authority to change the boundaries of electoral districts (e.g., the legislature, the courts, a boundaries commission, or other body)?</td>
<td></td>
</tr>
<tr>
<td>Is there an independent demarcation body? How are its members chosen? What are its powers? Are its decisions subject to appeal to another body?</td>
<td></td>
</tr>
<tr>
<td><strong>Choice of the Electoral System</strong></td>
<td></td>
</tr>
<tr>
<td>The electoral system allowed multiparty participation and actual and equal representation.</td>
<td>• Does the structure of the electoral system support the participation of multiple parties? How so?</td>
</tr>
<tr>
<td>• Does the electoral system allow space for new political movements to flourish?</td>
<td></td>
</tr>
<tr>
<td>• Does the choice of electoral system have the broad support of the key electoral stakeholders? Is there public confidence that it provides for the free expression of the will of the electorate?</td>
<td></td>
</tr>
<tr>
<td>• Is the choice of system widely understood by the electoral contestants and the public?</td>
<td>(continues)</td>
</tr>
</tbody>
</table>
### Choice of the Electoral System (Continued)

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rule of Law</strong></td>
</tr>
<tr>
<td>The legal framework defined the formulas to be used to convert votes into mandates.</td>
</tr>
<tr>
<td>• What form of representation is used (plural/majority, proportional, or mixed system)?</td>
</tr>
<tr>
<td>• If a mixed system is used, how many seats are filled using each subsystem?</td>
</tr>
<tr>
<td>• As appropriate, what system is used for the allocation of “remainders”?</td>
</tr>
<tr>
<td>• In a proportional system, does the formula for seat allocation risk disproportionate results due to a high legal threshold?</td>
</tr>
<tr>
<td>• Does the law require a minimum level of voter turnout for the election to be valid? If so, what is it?</td>
</tr>
<tr>
<td>• Does the electoral law provide for presidential appointment to otherwise elected bodies or offices? If so, how many? Do they enjoy voting rights in the parliament?</td>
</tr>
<tr>
<td>• Are elections direct or indirect? If indirect, what is the process? Which offices are affected? How is equal suffrage addressed?</td>
</tr>
<tr>
<td>• Are presidential elections held in one round or two, or are they held by preferential voting?</td>
</tr>
<tr>
<td>• Are there provisions for runoffs in the parliamentary system?</td>
</tr>
<tr>
<td>• What aspects of the electoral system are enshrined in the constitution?</td>
</tr>
</tbody>
</table>

### Criteria for Boundary Apportionment

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equal Suffrage</strong></td>
</tr>
<tr>
<td>Each vote was of equal weight.</td>
</tr>
<tr>
<td>• Do the criteria used to determine boundaries result in each vote carrying equal weight?</td>
</tr>
<tr>
<td>• Does the boundary delimitation process protect equal suffrage?</td>
</tr>
<tr>
<td>• Does the law establish a voter-per-representative ratio for election districts? If so, what is it?</td>
</tr>
<tr>
<td>Where variances occurred between the numbers of voters in various constituencies, they were small.</td>
</tr>
<tr>
<td>• Are there variances between the numbers of voters in various constituencies? What are they?</td>
</tr>
<tr>
<td>• Does the law establish acceptable variances in voter-per-representative ratios between districts? Are they reasonable? How large are they?</td>
</tr>
<tr>
<td>The apportionment criteria were publicly available and included details such as the number of residents, number of registered voters, number of actual voters, or a combination thereof.</td>
</tr>
<tr>
<td>• What are the criteria upon which electoral districts are drawn (e.g., size of population, size of electorate, effects of geographical constraints, administrative boundaries)?</td>
</tr>
<tr>
<td>• Are the procedures for the delineation of electoral boundaries based on transparent and justifiable criteria?</td>
</tr>
</tbody>
</table>
### Citizen Participation in the Boundary Delimitation Process

<table>
<thead>
<tr>
<th>Right and Opportunity to Participate in Public Affairs</th>
<th>The right to participate in public affairs was protected, including during the boundary delimitation process.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Is public review of the boundary demarcation process inclusive of all parts of the political spectrum and sectors of society?</td>
</tr>
<tr>
<td></td>
<td>• Was access to the boundary delimitation process denied to members of civil society? If so, on what basis?</td>
</tr>
<tr>
<td></td>
<td>• Is there public debate on the boundary delimitation process?</td>
</tr>
<tr>
<td></td>
<td>The boundary delimitation process was subject to independent scrutiny by civil society, candidates, and political parties; or other groups.</td>
</tr>
<tr>
<td></td>
<td>• Do independent stakeholders have access to relevant data required to analyze government decisions regarding the delimitation process?</td>
</tr>
<tr>
<td></td>
<td>• Does the public or civil society raise particular concerns regarding the process or outcome of boundary delimitation?</td>
</tr>
</tbody>
</table>

### Freedom From Discrimination in the Electoral System and Boundary Delimitation Process

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
<th>The electoral system did not discriminate against citizens on grounds prohibited by international law.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equality Between Men and Women</td>
<td>• Have electoral boundaries been drawn in a discriminatory or distorted manner to favor one group or another? If yes, how so?</td>
</tr>
<tr>
<td></td>
<td>• Do the rules on delimitation include antidiscrimination provisions?</td>
</tr>
<tr>
<td></td>
<td>• Do the size and importance of districts afford opportunities for female candidates to be elected?</td>
</tr>
</tbody>
</table>

#### Special Measures

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
<th>The state took steps to ensure de facto equality between men and women.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equality Between Men and Women</td>
<td>• Are there special measures in place to ensure women’s representation (e.g., quotas)? Are reserved seat measures applied in practice?</td>
</tr>
<tr>
<td></td>
<td>• If special measures are in place, are they temporary? When will they be removed?</td>
</tr>
<tr>
<td></td>
<td>• To what extent is there public debate about the representation of women in elected office?</td>
</tr>
<tr>
<td></td>
<td>Special measures were taken, as necessary, to promote equality for minorities.</td>
</tr>
<tr>
<td></td>
<td>• Are there special measures in place to ensure minority representation? What form do they take (e.g., quotas)? Are reserved seat measures applied in practice?</td>
</tr>
<tr>
<td></td>
<td>• If special measures are in place, are they temporary in nature? When will they be removed?</td>
</tr>
<tr>
<td></td>
<td>Special measures were taken to ensure de facto equality for people with disabilities.</td>
</tr>
<tr>
<td></td>
<td>• Are there special measures in place to ensure representation of people with disabilities? What form do they take (e.g., quotas or reserved seats)?</td>
</tr>
<tr>
<td></td>
<td>Quotas for groups other than those whose interests are protected by special measures were regulated so as not to promote inequality among voters.</td>
</tr>
<tr>
<td></td>
<td>• Who benefits in practice from quotas intended for these other groups (e.g., business interests, workers, farmers)?</td>
</tr>
<tr>
<td></td>
<td>• Are these quotas subject to public scrutiny and debate?</td>
</tr>
</tbody>
</table>
The Election Calendar and Enjoyment of Rights

| Equal Suffrage                  | • Are voting rights considered during the boundary delimitation process? |
| State Must Take Necessary Steps to Give Effect to Rights | • Are electoral districts established on a permanent basis (e.g., in accordance with the constitution), or can district boundaries be changed? If so, when (e.g., prescribed intervals, conduct of a census)? |
|                               | • Are there requirements to review boundary delimitation on a regular basis? |

| Right to an Effective Remedy | • Is there a process by which the drawing or revision of an electoral district or apportionment of seats can be challenged? Does this process produce an effective (timely and enforceable) remedy? |
|                             | • Were remedies enforced prior to the election? |

The election calendar provided sufficient time for a review of the boundaries to take place as necessary.

There was an effective means of seeking redress for violations concerning boundary delimitation and the electoral system.
## 3. Election Management

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
<th>The Legal Framework and Election Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule of Law</td>
<td>The electoral management body acted in conformity with the law.</td>
</tr>
<tr>
<td>The law regulating elections was equally enforced and not arbitrarily applied.</td>
<td>• Does the EMB act in conformity with the law?</td>
</tr>
<tr>
<td>The legal framework for elections was consistent with international human rights.</td>
<td>• Does the EMB administer the election process consistently?</td>
</tr>
<tr>
<td>The authority of the EMB was recognized by key stakeholders.</td>
<td>• Are laws publicly promulgated and available in the official languages of the country?</td>
</tr>
<tr>
<td>• Does the legal framework ensure that election management is in compliance with international obligations and human rights?</td>
<td></td>
</tr>
<tr>
<td>• Are there challenges to the EMB’s authority? If so, by whom?</td>
<td></td>
</tr>
</tbody>
</table>

### The Election Calendar and the Enjoyment of Rights

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
<th>EMB Responsibility for Protection of Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>An EMB implemented elections with adequate time to implement all parts of the electoral process.</td>
<td>The EMB took steps to implement an electoral process that fulfilled and protected human rights.</td>
</tr>
<tr>
<td>• Are the timelines for election administration established in law and are regulations realistic?</td>
<td></td>
</tr>
<tr>
<td>• Does the electoral calendar grant the EMB adequate time to administer the elections?</td>
<td></td>
</tr>
<tr>
<td>• Is sufficient time provided between the calling and holding of elections for all parties/candidates to prepare?</td>
<td></td>
</tr>
<tr>
<td>• Are decisions issued and communicated effectively to lower-level bodies to ensure timely implementation of the election?</td>
<td></td>
</tr>
<tr>
<td>• If temporary, how long before scheduled elections is the EMB established?</td>
<td></td>
</tr>
<tr>
<td>• Does the EMB demonstrate awareness of human rights as they relate to elections?</td>
<td></td>
</tr>
<tr>
<td>• What specific steps has the EMB taken to ensure that the electoral process fulfills human rights?</td>
<td></td>
</tr>
<tr>
<td>• Is the election commission restrictive in its interpretation of laws and regulations? Does this result in the curtailment of rights and freedoms?</td>
<td></td>
</tr>
<tr>
<td>• What steps were taken to institutionalize efficient and effective public administration?</td>
<td></td>
</tr>
</tbody>
</table>
## Independence and Impartiality of the Electoral Management Body

<table>
<thead>
<tr>
<th><strong>Freedom From Discrimination and Equality Before the Law</strong></th>
<th><strong>Prevention of Corruption</strong></th>
<th><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></th>
<th><strong>Rule of Law</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>There was an independent and impartial EMB.</td>
<td>The EMB acted impartially in the administration of the election.</td>
<td>The EMB had sufficient resources to implement all phases of the election process.</td>
<td></td>
</tr>
<tr>
<td>• Is there an independent EMB?</td>
<td>• Is the EMB acting impartially in the administration of the election?</td>
<td>• Does the EMB have adequate funds and staff to administer the election?</td>
<td></td>
</tr>
<tr>
<td>• Is the election commission subject to political pressure?</td>
<td>• Do electoral stakeholders express confidence in the impartiality of the EMB?</td>
<td>• Who determines the EMB’s budget? Does the body have control over its own resources? To whom is the EMB fiscally responsible?</td>
<td></td>
</tr>
<tr>
<td>• Does the selection process for EMB members ensure the independence and impartiality of staff?</td>
<td>• Can EMB members be removed from office? If so, for what reasons and by whom?</td>
<td>• Do the EMB and its subordinate bodies have the power to enlist needed support from other sectors of the government (e.g., civil servants, teachers, security personnel)?</td>
<td></td>
</tr>
</tbody>
</table>

## Recruitment of EMB Staff

<table>
<thead>
<tr>
<th><strong>Freedom From Discrimination and Equality Before the Law</strong></th>
<th><strong>Prevention of Corruption</strong></th>
<th><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></th>
<th><strong>Rule of Law</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The recruitment and appointment of EMB staff were transparent, efficient, and equitable and instilled public confidence in the body.</td>
<td>• How are EMB commissioners selected? Who selects them?</td>
<td>The appointment to and membership of the EMB were regulated by law.</td>
<td>• How are EMB personnel selected? Who selects them?</td>
</tr>
<tr>
<td>• How is the chair of the EMB selected? What limits exist on the chair’s power?</td>
<td>• How is the chair of the EMB selected? What limits exist on the chair’s power?</td>
<td>• Does the law require the EMB to include specific professional categories?</td>
<td>• How is the chair of the EMB selected? What limits exist on the chair’s power?</td>
</tr>
<tr>
<td>• What are the procedures for recruiting technical staff? Is the recruitment process competitive?</td>
<td>• What are the procedures for recruiting technical staff? Is the recruitment process competitive?</td>
<td>• What is the composition of the EMB?</td>
<td>• What are the procedures for recruiting technical staff? Is the recruitment process competitive?</td>
</tr>
<tr>
<td>• Are there any last-minute changes to the membership of the EMB?</td>
<td>• Are there any last-minute changes to the membership of the EMB?</td>
<td>• Are there term limits for commissioners?</td>
<td>• Are there any last-minute changes to the membership of the EMB?</td>
</tr>
<tr>
<td>• Can EMB members be dismissed at will?</td>
<td>• Can EMB members be dismissed at will?</td>
<td>• Are appointment and dismissal procedures clearly articulated and transparently implemented?</td>
<td>• Can EMB members be dismissed at will?</td>
</tr>
</tbody>
</table>

## Training of EMB Staff

<table>
<thead>
<tr>
<th><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></th>
<th><strong>Rule of Law</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>EMB personnel received training on the electoral process and international obligations.</td>
<td>• Do EMB commissioners, staff, and polling officials receive adequate training on their role in protecting rights? If so, who provides the training?</td>
</tr>
<tr>
<td>• Is training mandatory?</td>
<td>• Is training mandatory?</td>
</tr>
</tbody>
</table>
## Access to Information and EMB Documents

<table>
<thead>
<tr>
<th>Transparency and Access to Information</th>
<th>Prevention of Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EMB provided citizens access to information throughout the electoral process.</td>
<td>The state proactively put in the public domain government information of public interest, including electoral information.</td>
</tr>
<tr>
<td>• Through what media and how frequently does the EMB provide information to the public?</td>
<td>• Is the EMB engaged in a proactive education campaign?</td>
</tr>
<tr>
<td>• Is information provided in a timely fashion so as to be useful within the time frame of elections?</td>
<td>• Are there technical or legal barriers to accessing EMB information?</td>
</tr>
<tr>
<td>• Does the EMB provide information in multiple languages as necessary?</td>
<td>• Are the records of electoral administration available through a regular process at the EMB or other body?</td>
</tr>
<tr>
<td>• Is any denial of access to information based on reasonable and objective criteria?</td>
<td>• Is information accessible to people with disabilities (e.g., in Braille, through assistive technologies, large font)?</td>
</tr>
</tbody>
</table>

## Transparency in EMB Decision Making and Procurement

<table>
<thead>
<tr>
<th>Transparency and Access to Information</th>
<th>Prevention of Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EMB ensured transparency in its decision making; for example, through open meetings and the use of public and competitive tenders.</td>
<td></td>
</tr>
<tr>
<td>• Are all or some meetings of the EMB open to the public?</td>
<td>• Does the EMB make decisions by qualified majority or consensus?</td>
</tr>
<tr>
<td>• Does the EMB communicate its decisions effectively to lower-level bodies?</td>
<td>• Does the EMB's procurement process entail the use of competitive and public tenders?</td>
</tr>
</tbody>
</table>

## Anticorruption Policies Within the EMB

<table>
<thead>
<tr>
<th>Prevention of Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EMB, as an organ of the state, implemented effective policies to discourage acts of corruption.</td>
</tr>
<tr>
<td>• Are there internal anticorruption policies within the EMB?</td>
</tr>
<tr>
<td>• What sanctions does the EMB maintain and implement for violations of corruption in the election process?</td>
</tr>
<tr>
<td>• Does the EMB encourage public participation as a means of combating corruption (e.g., open meetings and publicly disseminated notes)?</td>
</tr>
</tbody>
</table>

## Freedom From Discrimination and the Election Management Body

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
<th>Equality Between Men and Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EMB treated all citizens equally.</td>
<td></td>
</tr>
<tr>
<td>• Did the EMB discriminate in administering the elections?</td>
<td></td>
</tr>
<tr>
<td>• Did the EMB prevent discriminatory actions by others?</td>
<td></td>
</tr>
<tr>
<td>• Were materials produced by the EMB designed for use by all citizens, including people with disabilities, illiterate citizens, and minorities?</td>
<td></td>
</tr>
<tr>
<td>Special Measures</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Freedom From Discrimination and Equality Before the Law</strong></td>
<td></td>
</tr>
<tr>
<td>The state took steps to ensure de facto equality between men and women.</td>
<td></td>
</tr>
<tr>
<td>• Has the EMB taken steps beyond promulgating rules and regulations to ensure participation of women in the electoral process?</td>
<td></td>
</tr>
<tr>
<td>• Is there a secretariat or unit for women or gender within the EMB?</td>
<td></td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
<td></td>
</tr>
<tr>
<td><strong>Special Measures were taken, as necessary, to promote equality for minorities.</strong></td>
<td></td>
</tr>
<tr>
<td>• Has the EMB taken steps to promote the participation of minorities in the electoral process?</td>
<td></td>
</tr>
<tr>
<td>• Does the EMB include minorities among its members or staff? At what level of decision making?</td>
<td></td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
<td></td>
</tr>
<tr>
<td><strong>Special measures were taken to ensure de facto equality for people with disabilities.</strong></td>
<td></td>
</tr>
<tr>
<td>• Has the EMB taken steps to promote the participation of citizens with disabilities in the electoral process?</td>
<td></td>
</tr>
<tr>
<td>• Does the EMB include people with disabilities among its members or staff? At what level of decision making?</td>
<td></td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
<td></td>
</tr>
<tr>
<td><strong>The EMB included women.</strong></td>
<td></td>
</tr>
<tr>
<td>• Is the composition of the EMB representative of society?</td>
<td></td>
</tr>
<tr>
<td>• At what level of authority are women represented in the EMB?</td>
<td></td>
</tr>
<tr>
<td>• Is there gender equality in the distribution of leadership positions?</td>
<td></td>
</tr>
<tr>
<td>• Are the policies and actions of the EMB designed to promote internal equality?</td>
<td></td>
</tr>
<tr>
<td><strong>Safety, Security, and the EMB</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.</strong></td>
<td></td>
</tr>
<tr>
<td>• What measures is the EMB taking to prevent violence and protect voters, candidates, and others during the campaign period?</td>
<td></td>
</tr>
<tr>
<td>• Does the EMB have a comprehensive security plan?</td>
<td></td>
</tr>
<tr>
<td>• How does the EMB respond to electoral violence or intimidation?</td>
<td></td>
</tr>
<tr>
<td>• Are security personnel accountable to the EMB? How is security information conveyed among security forces and the EMB?</td>
<td></td>
</tr>
<tr>
<td>• Have EMB members or staff been subject to threats to their safety?</td>
<td></td>
</tr>
<tr>
<td><strong>Freedom of Movement for EMB Personnel</strong></td>
<td></td>
</tr>
<tr>
<td><strong>EMB staff and officials were able to move freely throughout the country to administer the election and, at the same time, did not prevent or hinder the free movement of citizens during the election process.</strong></td>
<td></td>
</tr>
<tr>
<td>• Were restrictions of movement placed on EMB officials or staff? Did these restrictions prevent them from carrying out their duties?</td>
<td></td>
</tr>
<tr>
<td>• Did the EMB restrict the movement of others during the electoral process?</td>
<td></td>
</tr>
</tbody>
</table>
### Right to Effective Remedy for EMB Actions

<table>
<thead>
<tr>
<th>Right to an Effective Remedy</th>
<th>An effective (timely and enforceable) remedy was available for all violations of their fundamental rights.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Are EMB actions subject to challenge or legal review?</td>
<td>• Are effective mechanisms in place to ensure the accountability of electoral officials in the discharge of their duties (e.g., auditor general, ombudswoman, complaint-filing procedures)?</td>
</tr>
<tr>
<td>• Are effective mechanisms in place to ensure the accountability of electoral officials in the discharge of their duties (e.g., auditor general, ombudswoman, complaint-filing procedures)?</td>
<td>• Is the EMB required to release public reports and statistics about accountability procedures?</td>
</tr>
</tbody>
</table>

### Hearings by Impartial and Independent Tribunals

<table>
<thead>
<tr>
<th>Right to a Fair and Public Hearing</th>
<th>Citizens were granted a fair and public hearing by a competent, impartial, and independent tribunal in the determination of their rights.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the EMB meet the criteria of an independent and impartial tribunal according to international law?</td>
<td>What role does the EMB play in the arbitration of disputes?</td>
</tr>
<tr>
<td>What role does the EMB play in the arbitration of disputes?</td>
<td>If the EMB is not an impartial tribunal, what body is responsible for the arbitration of disputes?</td>
</tr>
<tr>
<td>The tribunal was protected from political influence (e.g., appointment processes, term limits, security, and remuneration).</td>
<td>Is the tribunal perceived as an impartial arbiter?</td>
</tr>
<tr>
<td>Is the tribunal perceived as an impartial arbiter?</td>
<td>Are term limits, remuneration, or other factors used to influence tribunal members?</td>
</tr>
<tr>
<td>The proceedings of any complaints were transparent, and all parties to the complaint were given an equal opportunity to present evidence.</td>
<td>Did all parties to complaints have equal opportunity to present evidence?</td>
</tr>
<tr>
<td>Did all parties to complaints have equal opportunity to present evidence?</td>
<td>Are the findings of the tribunal accessible, and is an explanation of them provided?</td>
</tr>
<tr>
<td>“Forum shopping” was discouraged.</td>
<td>Is there a right of appeal in court?</td>
</tr>
<tr>
<td>Is there a right of appeal in court?</td>
<td>Are there clear procedures for appeals of decisions by administrative, judicial, or legislative bodies concerning electoral-related complaints?</td>
</tr>
<tr>
<td>Are there clear procedures for appeals of decisions by administrative, judicial, or legislative bodies concerning electoral-related complaints?</td>
<td>Are the appeal channels narrowly constructed so that neither appellants nor the authorities can choose the appeal body?</td>
</tr>
</tbody>
</table>
## 4. Voter Registration

### ASSESSMENT CRITERIA | ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION

#### The Legal Framework and Voter Registration

<table>
<thead>
<tr>
<th>Principle</th>
<th>Question</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>The principles of rule of law were promoted.</td>
<td>• Are all decisions related to the voter registration process subject to the rule of law?</td>
<td></td>
</tr>
<tr>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
<td>• Are laws enforced consistently during the voter registration process?</td>
<td>• Are the laws regarding voter registration publicly promulgated and available in the official languages of the country?</td>
</tr>
<tr>
<td>The legal framework for elections was consistent with international human rights.</td>
<td>• Does the legal framework ensure that voter registration is in compliance with international obligations and human rights?</td>
<td></td>
</tr>
<tr>
<td>Voter registration procedures were clearly stipulated by law.</td>
<td>• Are the voter registration procedures stated in the law?</td>
<td>• Does the law clearly define eligibility criteria for voting, and are these criteria reasonable and consistent with international obligations?</td>
</tr>
</tbody>
</table>

#### Voter Registration and the Fulfillment of Human Rights

<table>
<thead>
<tr>
<th>Principle</th>
<th>Question</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>The state took the steps necessary to give effect to rights during the voter registration process, including the creation of an effective procedure for voter registration.</td>
<td>• Is voter registration state-initiated? If so, is it by enumeration or based on a civil registry?</td>
<td>• Is the state actively promoting voter registration? How so?</td>
</tr>
<tr>
<td>There was adequate time for the voter registration process, including exhibition of preliminary lists and opportunities for challenges and corrections.</td>
<td>• Are voter registration timelines feasible given available resources?</td>
<td>• When is the preliminary voter list made publicly available? Is there adequate time for the exhibition of the preliminary lists?</td>
</tr>
<tr>
<td>• Are there adequate time and opportunity for challenges and corrections to be made to the list?</td>
<td>• Are there adequate time and opportunity for challenges and corrections to be made to the list?</td>
<td>• Is there sufficient time for the list to be distributed to polling centers?</td>
</tr>
</tbody>
</table>

#### Citizenship

<table>
<thead>
<tr>
<th>Principle</th>
<th>Question</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>The rules regarding citizenship were clear and nondiscriminatory.</td>
<td>• What are the criteria for citizenship? Are they clear and understandable?</td>
<td>• Do citizenship criteria discriminate against particular groups?</td>
</tr>
<tr>
<td>• Are there restrictions on who can acquire or confer citizenship?</td>
<td></td>
<td>• Are there restrictions on who can acquire or confer citizenship?</td>
</tr>
<tr>
<td>• With respect to the enjoyment of rights, are distinctions made between those who attained citizenship by birth and those who attained it through naturalization?</td>
<td></td>
<td>• With respect to the enjoyment of rights, are distinctions made between those who attained citizenship by birth and those who attained it through naturalization?</td>
</tr>
<tr>
<td>Citizenship rules did not discriminate directly or indirectly against women.</td>
<td>• Are women discriminated against in terms of acquiring or conferring citizenship?</td>
<td></td>
</tr>
</tbody>
</table>
**Voter Eligibility and Barriers to Registration**

<table>
<thead>
<tr>
<th>Universal Suffrage</th>
<th>• Who is eligible to vote, as outlined in the constitution, law, and regulations?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• What restrictions, if any, are placed on the right to vote? Are they reasonable and objective?</td>
</tr>
<tr>
<td></td>
<td>• Are there significant legal hurdles to register to vote?</td>
</tr>
<tr>
<td></td>
<td>• Is there a way to determine eligibility on election day?</td>
</tr>
<tr>
<td></td>
<td>• Is there a provision for supplementary registration after the final list is published? Are internally displaced people able to register? Is there a clear process in place for them to do so? Is there a way to determine eligibility on election day?</td>
</tr>
<tr>
<td></td>
<td>• Are citizens who reach voting age shortly before or on election day allowed to vote? If so, are there separate provisions regarding their registration?</td>
</tr>
<tr>
<td></td>
<td>• Is the state taking steps to ensure registration for people with disabilities (e.g., through the use of assistive technologies)?</td>
</tr>
<tr>
<td>Limitations on universal suffrage imposed during the voter registration process were reasonable and objective.</td>
<td>• What, if any, restrictions are placed on the right to vote? Are they reasonable and objective?</td>
</tr>
<tr>
<td></td>
<td>• Have people been denied registration in practice on unreasonable grounds?</td>
</tr>
<tr>
<td></td>
<td>• Are voting rights restored to convicted people after they have served a prison sentence? Have people been denied registration in practice on unreasonable grounds?</td>
</tr>
<tr>
<td></td>
<td>• Are resident noncitizens permitted to vote? If so, how many years must they have been resident in order to be eligible?</td>
</tr>
<tr>
<td></td>
<td>• Does the inclusion or exclusion of refugees affect the interests of a particular political party?</td>
</tr>
<tr>
<td>Voter registration promoted broad participation, and there were no barriers to participation by otherwise qualified eligible voters.</td>
<td>• Is the participation of any eligible voters inhibited (e.g., by onerous registration requirements)?</td>
</tr>
<tr>
<td></td>
<td>• Is the state taking steps to facilitate registration for all eligible people?</td>
</tr>
<tr>
<td><strong>Freedom From Discrimination in the Voter Registration Process</strong></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Eligibility requirements for voter registration were reasonable and objective and did not discriminate on the basis of prohibited grounds.</strong></td>
<td></td>
</tr>
<tr>
<td>• What restrictions on registration exist? Are they based on prohibited grounds?</td>
<td></td>
</tr>
<tr>
<td>• Do restrictions on registration or the right to vote result in de facto discrimination on the basis of prohibited grounds?</td>
<td></td>
</tr>
<tr>
<td>• What information is required to register? Do the requirements place an undue burden on members of minority groups, women, or people with disabilities?</td>
<td></td>
</tr>
<tr>
<td>• Are internally displaced people able to register to vote? Where will they vote?</td>
<td></td>
</tr>
<tr>
<td>• Are refugees able to register to vote?</td>
<td></td>
</tr>
<tr>
<td>• Compared to men, do women face legal hurdles in obtaining the documents needed to vote?</td>
<td></td>
</tr>
<tr>
<td><strong>Voter registration facilities were accessible to all.</strong></td>
<td></td>
</tr>
<tr>
<td>• Are registration facilities accessible to those with disabilities? Are provisions in place to assist those with, for example, impaired sight?</td>
<td></td>
</tr>
<tr>
<td>• Does the location of the registration center, its hours of operation, or its staffing hinder women or any other identifiable group with traditionally limited political participation from registering?</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Special Measures</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The state took steps to ensure de facto equality between men and women.</strong></td>
</tr>
<tr>
<td>• Are women and men registered in numbers proportional to their representation in the population?</td>
</tr>
<tr>
<td>• Have authorities undertaken measures to encourage women’s registration?</td>
</tr>
<tr>
<td>• Are there any instances of cultural or social pressure, such as those felt by women, which the registration system might handle inadequately?</td>
</tr>
<tr>
<td>• Has the state undertaken any special measure to ensure registration of women?</td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
</tr>
<tr>
<td><strong>Special measures were taken, as necessary, to promote equality for minorities.</strong></td>
</tr>
<tr>
<td>• Have authorities undertaken measures to encourage minority registration?</td>
</tr>
<tr>
<td>• Are there any instances of cultural or social pressure, such as those felt by minority groups, which the registration system might handle inadequately?</td>
</tr>
<tr>
<td>• What special measures have been implemented?</td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
</tr>
<tr>
<td><strong>Special measures were taken to ensure de facto equality for people with disabilities.</strong></td>
</tr>
<tr>
<td>• Have authorities undertaken measures to encourage registration of people with disabilities?</td>
</tr>
<tr>
<td>• What special measures have been implemented?</td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
</tr>
<tr>
<td><strong>Voter Registration in Minority Languages</strong></td>
</tr>
<tr>
<td>--------------------------------------------</td>
</tr>
<tr>
<td><strong>Transparency and Access to Information</strong></td>
</tr>
<tr>
<td>Linguistic minorities were able to use their own language, and voter registration procedures were available in minority languages.</td>
</tr>
<tr>
<td><strong>Freedom From Discrimination and Equality Before the Law</strong></td>
</tr>
<tr>
<td>• Have any voters been prevented from registering due to their need to use a minority language? Does this disproportionately affect a particular party or candidate?</td>
</tr>
<tr>
<td>• Are voter registration materials available in minority languages?</td>
</tr>
<tr>
<td><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></td>
</tr>
<tr>
<td><strong>Accuracy of the List</strong></td>
</tr>
<tr>
<td>The voter list was accurate and up-to-date.</td>
</tr>
<tr>
<td>• Is voter registration periodic or continuous?</td>
</tr>
<tr>
<td>• Is a new list being used for this election?</td>
</tr>
<tr>
<td>• Does the voter list include all eligible and interested citizens?</td>
</tr>
<tr>
<td>• Is the list regularly reviewed for accuracy?</td>
</tr>
<tr>
<td><strong>Universal Suffrage</strong></td>
</tr>
<tr>
<td>Voter registration processes prevented multiple registrations.</td>
</tr>
<tr>
<td>• What sources of identification are required of citizens for registration?</td>
</tr>
<tr>
<td>• Are measures in place to cross-check data provided by voters?</td>
</tr>
<tr>
<td>• Is proxy registration permitted?</td>
</tr>
<tr>
<td>• Are measures in place to remove the names of ineligible or deceased people?</td>
</tr>
<tr>
<td>• Is technology, such as biometric voter registration, used to prevent multiple registrations?</td>
</tr>
<tr>
<td><strong>Equal Suffrage</strong></td>
</tr>
<tr>
<td><strong>Periodic Elections</strong></td>
</tr>
<tr>
<td>The state took steps to facilitate registration.</td>
</tr>
<tr>
<td>• Is the voter registration system active or passive?</td>
</tr>
<tr>
<td>• If active registration, does the state create opportunities for voters to register, provide voter education, make locations accessible, and offer simple procedures?</td>
</tr>
<tr>
<td>• If passive registration, what is the source of data and is it reliable and accurate? How can voters ensure they are included?</td>
</tr>
<tr>
<td>• What is the format of the list (paper or computerized)?</td>
</tr>
<tr>
<td>• Who maintains voter data and for what other purposes, if any, is it used?</td>
</tr>
<tr>
<td>• What is the process for absentee voter registration?</td>
</tr>
<tr>
<td>• Has the state taken steps to facilitate voting by people with disabilities (e.g., assistive technologies)?</td>
</tr>
<tr>
<td>Transparency in Creating and Maintaining the Voter List</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Transparency and Access to Information</strong></td>
</tr>
<tr>
<td>There was transparency in the creation and maintenance of the voter list.</td>
</tr>
<tr>
<td>• Is the voter list available for review by political parties?</td>
</tr>
<tr>
<td>• Has the state provided information regarding the process of maintaining the voter list and the accuracy of the data it contains?</td>
</tr>
<tr>
<td>• Did the number of registered voters exceed the number of eligible voters?</td>
</tr>
<tr>
<td>• Does the EMB conduct an audit of the voter registration process?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Correction of Voter Registration Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right to an Effective Remedy</strong></td>
</tr>
<tr>
<td>Citizens that offered proof of identity had the right to rectify information about them that was inaccurate.</td>
</tr>
<tr>
<td>• What is the process for voters to correct information in the voter list?</td>
</tr>
<tr>
<td>• Are voters whose eligibility has been challenged notified in a timely manner of their potential removal so they can respond to complaints or correct their information?</td>
</tr>
<tr>
<td><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></td>
</tr>
<tr>
<td>Voter registration procedures allowed for claims (of unjustified exclusion) and objections (for incorrect inclusion).</td>
</tr>
<tr>
<td>• Is there a process for claims and objections regarding the voter list?</td>
</tr>
<tr>
<td>• Have allegations of inaccuracies or duplications in the voter list been widespread? Could such allegations affect confidence in the electoral process?</td>
</tr>
<tr>
<td>• Are there clear rules for correcting mistakes or omissions in voter registration information?</td>
</tr>
<tr>
<td>• Is the timeline for public scrutiny sufficient to allow election stakeholders to review lists, to request and process changes, and address appeals?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Voter Access to Registration Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transparency and Access to Information</strong></td>
</tr>
<tr>
<td>The state proactively put in the public domain information regarding voter registration.</td>
</tr>
<tr>
<td>• Is the voter registration process widely known and understood?</td>
</tr>
<tr>
<td>• How is information regarding the registration process shared (e.g., posters, radio, education campaigns)?</td>
</tr>
<tr>
<td><strong>Freedom From Discrimination and Equality Before the Law</strong></td>
</tr>
<tr>
<td>Citizens had access to information regarding their inclusion on the voter list, and this information was provided to them in an intelligible format.</td>
</tr>
<tr>
<td>• How can voters find out if they are included on a voter list?</td>
</tr>
<tr>
<td>• Was information in the list provided in an easily understood format?</td>
</tr>
<tr>
<td>• Are citizens informed of their status if the voter registry is challenged?</td>
</tr>
<tr>
<td>Voters had the ability to correct errors in the voter list.</td>
</tr>
<tr>
<td>• What is the process for voters to correct information in the voter list?</td>
</tr>
<tr>
<td>• Are voters whose eligibility has been challenged notified in a timely manner of their potential removal so they can respond to complaints or correct their information?</td>
</tr>
<tr>
<td>The voter list was publicly displayed, and there was adequate time for public inspection of the list, including time for objections and the adjudication of disputes.</td>
</tr>
<tr>
<td>• When and where is the voter list displayed for public inspection?</td>
</tr>
<tr>
<td>• Are voter lists posted in or around polling stations?</td>
</tr>
<tr>
<td>Privacy and Voter Registration</td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>Transparency and Access to Information</strong></td>
</tr>
<tr>
<td>Personal data collected was not used for other purposes.</td>
</tr>
<tr>
<td>The voter list did not include information beyond that necessary to identify a voter and establish his or her eligibility.</td>
</tr>
<tr>
<td>• Have there been indications or complaints that data collected was used for any purpose other than voter registration?</td>
</tr>
<tr>
<td>• How is personal data protected by the state?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freedom of Movement for the Purposes of Voter Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freedom of Movement</strong></td>
</tr>
<tr>
<td>Freedom of movement was respected throughout the voter registration process.</td>
</tr>
<tr>
<td>• Have security conditions impeded voter registration by hindering free movement within the country?</td>
</tr>
<tr>
<td>• Are voters able to get to voter registration facilities?</td>
</tr>
<tr>
<td>Citizens were able to return to the country (as necessary) to register to vote.</td>
</tr>
<tr>
<td>Citizens displaced against their will had the opportunity to be considered resident in their former place of residence.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transparency in Decision Making and Procurement in the Voter Registration Process</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prevention of Corruption</strong></td>
</tr>
<tr>
<td>The EMB promoted transparency in its decision-making and procurement processes, including with regard to voter registration processes.</td>
</tr>
<tr>
<td>• What measures does the EMB have in place to prevent corruption at all levels of the election administration?</td>
</tr>
<tr>
<td>• What information regarding the procurement of voter registration material and equipment is publicly available?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Voter Education on Voter Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right and Opportunity to Vote</strong></td>
</tr>
<tr>
<td>Voter education campaigns included information regarding voter registration processes.</td>
</tr>
<tr>
<td>• Have election administrators made efforts to inform voters and stakeholders about the public scrutiny period and other voter registration activities as appropriate?</td>
</tr>
<tr>
<td>• Are there plans to educate officials to properly conduct voter registration?</td>
</tr>
<tr>
<td>• Have adequate training materials been provided to registration officials?</td>
</tr>
</tbody>
</table>
### Partisan and Nonpartisan Observation of the Voter Registration Process

**Right and Opportunity to Participate in Public Affairs**

Citizen observers were able to access and comment on all parts of the electoral process, including voter registration.

- What access are citizen election observers granted to observe the registration process? What access do they have to registration data? Can they use this information for effective, independent scrutiny of the process?
- Do political parties, candidates, and ballot initiative groups have access to the registration process or data?
- Do political parties and civil society groups have the opportunity to observe the production of the final voter list and verify its authenticity?
- Is the voter list computerized? If so, is the software subject to scrutiny by independent experts? How are the experts chosen and do they release a public report of their findings?
- Are political parties and civic organizations allowed to review or test the software?

Candidates and parties were able to monitor the elections and had access to the voter list without undue cost.

- Are parties, candidates, and accredited observers provided copies of the final voter list? Are they required to pay a fee? Is the fee prohibitively high? Does this disproportionately affect certain parties or candidates?

### Voter Registration Activities by Civil Society

**Freedom of Association**

Civil society organizations were permitted to conduct voter registration free from unreasonable restrictions.

- Are civil society organizations permitted to conduct voter awareness activities in preparation for voter registration? Are all groups equally permitted to do so?
- Are civil society organizations allowed to conduct voter registration?
- Are political parties permitted to conduct voter awareness activities in preparation for voter registration? Are all parties equally permitted to do so?
- Are political parties allowed to conduct voter registration?

### Safety, Security, and Voter Registration

**Right to Security of the Person**

The state prohibited interference with registration, intimidation, or coercion of potential voters.

- Are voters able to register in a peaceful and secure environment?
- Are weapons allowed in the registration facilities?
- Are security officials present at registration facilities? How many? Are they affiliated with a particular candidate or party? Are they acting in a neutral manner?
- Were there large crowds of unauthorized people at the registration facilities?
- Have there been verifiable reports of intimidation or coercion in the registration process? Do they follow a pattern?
### Right to an Effective Remedy and Voter Registration

<table>
<thead>
<tr>
<th>An effective remedy was available for all citizens for violations of their rights during the voter registration process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Are there clear procedures for filing claims and objections to add, update, or remove names from the voter list?</td>
</tr>
<tr>
<td>• How many complaints about the voter registry were filed? What was the basis of the complaints?</td>
</tr>
<tr>
<td>• Were cases of wrongful disenfranchisement caused by the registration process granted a remedy?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>There was a clear timeline for complaints regarding voter registration that ensured that complaints were resolved prior to election day and in time for the election.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Is the timeline for complaints and remedies clearly stated in law?</td>
</tr>
<tr>
<td>• Is there sufficient time for all complaints to be resolved prior to election day?</td>
</tr>
<tr>
<td>• If not, were special procedures in place to allow contested voters to participate in the election (e.g., a provisional ballot)?</td>
</tr>
</tbody>
</table>
## 5. Voter Education

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Legal Framework and Voter Education</strong></td>
<td></td>
</tr>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td>The principles of rule of law were promoted.</td>
</tr>
<tr>
<td></td>
<td>• Are all decisions related to voter education subject to the rule of law?</td>
</tr>
<tr>
<td></td>
<td>• Are laws enforced consistently during voter education?</td>
</tr>
<tr>
<td></td>
<td>• Are the laws regarding voter education publicly promulgated and available in the official languages of the country?</td>
</tr>
<tr>
<td>Rule of Law</td>
<td>The legal framework for elections was consistent with international human rights.</td>
</tr>
<tr>
<td></td>
<td>• Does the legal framework ensure that voter education is in compliance with international obligations and human rights?</td>
</tr>
<tr>
<td><strong>The Election Calendar and the Enjoyment of Rights</strong></td>
<td></td>
</tr>
<tr>
<td>Periodic Elections</td>
<td>The scheduling of elections granted sufficient time for a complete and comprehensive voter education program.</td>
</tr>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Is voter education provided between and in advance of elections?</td>
</tr>
<tr>
<td></td>
<td>• Is there adequate time in the electoral calendar for voter education?</td>
</tr>
<tr>
<td><strong>Universal Suffrage, the Right to Vote, and Voter Education</strong></td>
<td></td>
</tr>
<tr>
<td>Right and Opportunity to Vote</td>
<td>The obligations of universal suffrage and the right to vote were advanced through voter education.</td>
</tr>
<tr>
<td>Universal Suffrage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Are voter education efforts held in appropriate and accessible locations?</td>
</tr>
<tr>
<td></td>
<td>• Are any regions or groups not receiving voter education? Why?</td>
</tr>
<tr>
<td></td>
<td>• Are out-of-country voters or those voting by absentee ballot provided with voter education?</td>
</tr>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td>All eligible voters were informed of their electoral rights before, during, and after election day.</td>
</tr>
<tr>
<td></td>
<td>• Do voter education materials include information about voter eligibility requirements and universal suffrage?</td>
</tr>
<tr>
<td></td>
<td>• When did voter education take place?</td>
</tr>
<tr>
<td></td>
<td>• Did voter education campaigns explain what constitutes an unreasonable restriction on voting rights?</td>
</tr>
<tr>
<td></td>
<td>Voter education campaigns were responsive to the needs of the electorate.</td>
</tr>
<tr>
<td></td>
<td>• Is voter education appropriately tailored to groups or individuals who often face exclusion from the political process (e.g., women, first-time voters, minorities)?</td>
</tr>
<tr>
<td>The Content of Voter Education Campaigns</td>
<td></td>
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<tr>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Right and Opportunity to Vote</strong></td>
<td></td>
</tr>
<tr>
<td>Voter education efforts included information about all electoral rights including equal suffrage, the right to vote and be elected, the right to an effective remedy, and the secret ballot.</td>
<td></td>
</tr>
<tr>
<td>• Is the principle of “one voter, one vote” included in education campaigns?</td>
<td></td>
</tr>
<tr>
<td>• Are voters made aware that they may only cast their ballot once?</td>
<td></td>
</tr>
<tr>
<td>• Is information provided to voters regarding their right to impartial assistance that does not violate the secrecy of the vote?</td>
<td></td>
</tr>
<tr>
<td>• Are potential voters informed that they may not waive their right to a secret ballot?</td>
<td></td>
</tr>
<tr>
<td>• Does voter education include information about how to run for office and the steps necessary to register as a candidate?</td>
<td></td>
</tr>
<tr>
<td>• Does voter education include information on the right to join and participate in civil society organizations?</td>
<td></td>
</tr>
<tr>
<td><strong>Right to an Effective Remedy</strong></td>
<td></td>
</tr>
<tr>
<td>Voter education campaigns included information on restrictions that may be applied to participatory rights.</td>
<td></td>
</tr>
<tr>
<td>• Do voter education materials explain unreasonable restrictions on the right and opportunity to vote and be elected?</td>
<td></td>
</tr>
<tr>
<td><strong>Equal Suffrage</strong></td>
<td></td>
</tr>
<tr>
<td>Voter education campaigns included information about the voting and registration process.</td>
<td></td>
</tr>
<tr>
<td>• Does voter education include voter registration and encourage citizens to ensure they are registered to vote?</td>
<td></td>
</tr>
<tr>
<td>• Do voter education campaigns include information on candidates, parties, referenda, and ballot initiatives?</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Provision of Voter Education by the Electoral Management Body</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right and Opportunity to Participate in Public Affairs</strong></td>
</tr>
<tr>
<td>The state took the steps necessary to give effect to rights during voter education.</td>
</tr>
<tr>
<td>• Does the government prioritize the funding of civic and voter education by providing for it in the state budget prior to elections?</td>
</tr>
<tr>
<td>• Does the EMB have adequate resources (human and financial) to implement the voter education process?</td>
</tr>
<tr>
<td><strong>State Must Take Necessary Steps to Give Effect to Rights</strong></td>
</tr>
<tr>
<td>Voter education was provided by the EMB and was impartial and responsive to the needs of the electorate.</td>
</tr>
<tr>
<td>• Does the law establish which entity is responsible for and who else may conduct voter registration? What is the responsibility of the EMB? Of other government agencies?</td>
</tr>
<tr>
<td>• Do the voter education materials provided by the EMB adequately address the needs of the electorate?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provision of Voter Education by Civil Society and Political Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right and Opportunity to Participate in Public Affairs</strong></td>
</tr>
<tr>
<td>Civil society organizations participated in voter education.</td>
</tr>
<tr>
<td>• Are there legal provisions that address the role of civil society organizations in conducting voter education? If so, do they contain unreasonable restrictions?</td>
</tr>
<tr>
<td>• How is civil society involved in voter education?</td>
</tr>
<tr>
<td>• Does the EMB facilitate civil society efforts to educate voters?</td>
</tr>
<tr>
<td><strong>Freedom of Association</strong></td>
</tr>
<tr>
<td>Political parties and/or candidates were permitted to provide voter education.</td>
</tr>
<tr>
<td>• Do political parties provide their supporters with voter education? Is this information consistent with the information provided by the EMB?</td>
</tr>
</tbody>
</table>
# APPENDIX C
Illustrative Questions for Data Collection

<table>
<thead>
<tr>
<th>Freedom From Discrimination in Voter Education</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All citizens received voter education regardless of their race, color, sex, language, religion, political or other opinion, national or social origin, physical or mental ability, sexual orientation or gender identity, property, birth, or other status.</strong></td>
</tr>
<tr>
<td>- Did the implementation of voter education programs discriminate against any groups of citizens on the basis of prohibited grounds?</td>
</tr>
<tr>
<td>- Do voter education efforts include information on what voters can do if their right to freedom from discrimination is violated?</td>
</tr>
<tr>
<td>- Are efforts made to ensure that rural voters are given special attention and that the participation of women and youth is encouraged?</td>
</tr>
<tr>
<td>- Are women and men registered in numbers proportional to their representation in the population?</td>
</tr>
<tr>
<td>- Have authorities undertaken measures to encourage women’s registration?</td>
</tr>
<tr>
<td>- Are there any instances of cultural or social pressure, such as those felt by women, which the registration system might handle inadequately?</td>
</tr>
<tr>
<td>- Has the state undertaken any special measure to ensure registration of women?</td>
</tr>
<tr>
<td>- Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
</tr>
</tbody>
</table>

| Locations used for voter education were accessible in a nondiscriminatory manner. |
| - Are voter education locations accessible to people with physical disabilities? Those living in rural areas? |
| - If locations are separated by gender, do both genders have equal access to voter education? |

| Voter education materials facilitated voting by illiterate voters. |
| - Do voter education materials include symbols? |
| - Is voter education conducted by radio or television? |
### Special Measures

| Freedom From Discrimination and Equality Before the Law | • Are women and men registered in numbers proportional to their representation in the population?  
• Have authorities undertaken measures to encourage women's registration?  
• Are there any instances of cultural or social pressure, such as those felt by women, which the registration system might handle inadequately?  
• Has the state undertaken any special measure to ensure registration of women?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
|---|---|
| Equality Between Men and Women | The state took steps to ensure de facto equality between men and women.  
• Have authorities undertaken measures to encourage minority registration?  
• Are there any instances of cultural or social pressure, such as those felt by minority groups, which the registration system might handle inadequately?  
• What special measures have been implemented?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
| | Special measures were taken, as necessary, to promote equality for minorities.  
• Have authorities undertaken measures to encourage registration of people with disabilities?  
• What special measures have been implemented?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
| | Special measures were taken to ensure de facto equality for people with disabilities.  
• Have authorities undertaken measures to encourage registration of people with disabilities?  
• What special measures have been implemented?  
• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective? |
| | Voter education materials were available in all official languages as well as in minority languages.  
• In what languages are voter education materials available? |

### Partisan and Nonpartisan Observation of Voter Education

| Right and Opportunity to Participate in Public Affairs | Citizens were able to participate in public affairs through nongovernmental organizations.  
• Are there active civil society organizations focused on political issues or the electoral process? Are they able to operate freely? Do they have national coverage? |
|---|---|
| Freedom of Association | Observers, citizen and international, were given access to the voter education process.  
• Are authorities conducting the voter education process in an observable manner? |

### Right to an Effective Remedy and Voter Education

| Right to an Effective Remedy | There was a timely and effective means of seeking redress for violations of rights, including regarding voter education.  
• Does the complaint procedure allow for timely redress?  
• Have any remedies been granted regarding voter education? Are they enforced? Are they effective? |
### 6. Candidacy and Campaigning

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Legal Framework and Candidacy and Campaigning</strong></td>
<td></td>
</tr>
<tr>
<td>The principles of rule of law were promoted.</td>
<td>• Are all decisions related to candidacy and campaigning subject to the rule of law?</td>
</tr>
<tr>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
<td>• Are laws regarding candidacy and campaigning enforced consistently?</td>
</tr>
<tr>
<td>• Are the laws regarding candidacy and campaigning publicly promulgated and available in the official languages of the country?</td>
<td></td>
</tr>
<tr>
<td>The legal framework for elections was consistent with international human rights.</td>
<td>• Does the legal framework ensure that candidacy and campaigning are in compliance with international obligations and human rights?</td>
</tr>
<tr>
<td>Campaign finance regulation was consistent with the principles of the rule of law.</td>
<td>• Are campaign finance regulations clearly stipulated in law? Where?</td>
</tr>
<tr>
<td>• Are campaign finance regulations equally enforced?</td>
<td></td>
</tr>
<tr>
<td>• Are regulations available to the public?</td>
<td></td>
</tr>
<tr>
<td><strong>Establishment of, Regulation of, and Membership in Political Parties</strong></td>
<td></td>
</tr>
<tr>
<td>Citizens were able to establish and participate in political parties and other associations.</td>
<td>• Is the right to form or join a political party guaranteed by law?</td>
</tr>
<tr>
<td>• Are all citizens equally able to join the political party of their choice?</td>
<td></td>
</tr>
<tr>
<td>• What restrictions are placed on the right to form or join a political party? Are these restrictions reasonable and objective?</td>
<td></td>
</tr>
<tr>
<td>Political organizations were treated equally in being recognized and registering as a party.</td>
<td>• Are all groups equally able to form and register political parties?</td>
</tr>
<tr>
<td>• Have any political organizations been denied the right to form or register parties? On what basis?</td>
<td></td>
</tr>
<tr>
<td>Individual electoral rights could be enjoyed in community with others.</td>
<td>• Are political parties granted rights to peaceful assembly, association, freedom of expression, and opinion?</td>
</tr>
<tr>
<td>Regulations and deadlines for legal recognition of political parties were clearly specified. Registration requirements were not so stringent that they jeopardized freedom of association.</td>
<td>• Does the legal framework contain clear provisions that pertain to political party formation, legal recognition, or functioning?</td>
</tr>
<tr>
<td>• What are the requirements for a party or other political organization to receive legal recognition? Are these requirements burdensome?</td>
<td></td>
</tr>
<tr>
<td>• What governmental body receives and decides on applications for legal recognition?</td>
<td></td>
</tr>
<tr>
<td>• Do requirements for the geographical distribution of members or branches inhibit political representation, in particular of regionally concentrated national minority groups?</td>
<td></td>
</tr>
<tr>
<td>• Is there sufficient time for political party registration?</td>
<td></td>
</tr>
</tbody>
</table>
### Establishment and Regulation of, and Membership in, Political Parties (Continued)

<table>
<thead>
<tr>
<th>Right and Opportunity to Be Elected</th>
<th>Freedom of Association</th>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The grounds for rejecting registration of a party were based on objective criteria.</strong></td>
<td>• On what grounds can an application for registration as a party be rejected under the law? Are the criteria used objective?</td>
<td>• Can the legal status of a party or other political organization be suspended or terminated? If so, why and by whom? How can it be reinstated?</td>
</tr>
<tr>
<td>• How are applicants notified of a rejection, suspension, or termination of their legal status?</td>
<td></td>
<td>• How are applicants notified of a rejection, suspension, or termination of their legal status?</td>
</tr>
</tbody>
</table>

### Internal Party Policies

| State Must Take Necessary Steps to Give Effect to Rights | The participatory rights of citizens were protected and fulfilled by parties in their internal management. | • What internal measures (e.g., a code of conduct, party primaries) are in place to protect electoral rights? |

### Candidature

<table>
<thead>
<tr>
<th>Right and Opportunity to Be Elected</th>
<th>Freedom of Association</th>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every citizen had the right to be elected, subject only to reasonable restrictions.</td>
<td>• What are the candidacy requirements? Are thresholds in place (e.g., having received a certain percentage of votes in a previous election or collection of petition signatures)? Are they applied equally and objectively?</td>
<td>• Are people of specific professional categories restricted from running for election (e.g., the military, civil service, judiciary)?</td>
</tr>
<tr>
<td>• If there is a signature collection requirement for candidacy, what is the process for verifying the genuineness of signatures? Do political parties, candidates, and ballot initiative groups have the right to observe the signature verification process?</td>
<td>• Are candidate fees/deposits reasonable and consistently collected?</td>
<td>• Are any candidates or parties disqualified from running? If so, on what grounds?</td>
</tr>
<tr>
<td>• Are any candidates disqualified after they are registered? If so, on what grounds?</td>
<td>• Are there requirements for electoral coalitions or alliances, and how do they affect ballot qualification or placement on the ballot?</td>
<td></td>
</tr>
</tbody>
</table>

Candidacy requirements upheld freedom of association.

• What are the requirements for candidacy? Do they uphold fundamental rights, including freedom of association? (continues)
## Candidature (Continued)

### Right and Opportunity to Be Elected

The loss of the right to be elected was only imposed after adjudication by a court.

- Are candidates able to challenge a refusal to register their nomination? Before what body?
- If there are technical errors or deficiencies in a candidate’s nomination, is the candidate given the opportunity to correct these before a final decision is taken?
- Can the participation of parties and other political organizations in an election be terminated during the election campaign period? If so, under what circumstances? Is there an appeals process?

### Freedom of Association

Citizens were able to support any and all candidates of their choice.

- Are citizens able to sign ballot qualification petitions for one or more candidates?

### Freedom From Discrimination and Equality Before the Law

- Regulations regarding candidacy were the same for independent and partisan actors.
  - Are there provisions in place for independent candidates? Do they differ from those of partisan candidates?
  - Do the regulations in place favor one type of candidate (i.e., independent or partisan) over the others?

### Independent Candidacy

- Female candidates participated in the electoral process on an equal basis with men.
  - Are there measures in place to promote female candidature (e.g., quotas, requirements for specific placement on party lists, separate voting, training programs)?
  - Are there direct or indirect restrictions on the ability of women candidates and their supporters to campaign?
  - How many female candidates are participating in the election? For which offices are they running? Are they competitive in the election?
  - Are female candidates able to raise equivalent funding to male candidates?
<table>
<thead>
<tr>
<th>Equal Treatment of Candidates and Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulations for candidacy and campaigning were not discriminatory.</td>
</tr>
<tr>
<td>• Do candidacy regulations discriminate on the basis of prohibited grounds?</td>
</tr>
<tr>
<td>• Do any candidacy regulations directly or indirectly affect the ability of women or candidates from minority groups to stand for election?</td>
</tr>
<tr>
<td>• If language tests are applied for candidate registration, are they conducted in a transparent and objective manner?</td>
</tr>
<tr>
<td>• Where relevant, are there direct or indirect restrictions on the ability of national minority candidates and their supporters to campaign?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>No one suffered discrimination or disadvantage of any kind because of their candidacy.</td>
</tr>
<tr>
<td>• Did anyone suffer discrimination or disadvantage of any kind because of their candidacy (e.g., denial of services, job opportunities)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equality Between Men and Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidates and political parties were able to compete with each other on an equal basis.</td>
</tr>
<tr>
<td>• Are candidates and/or political parties able to freely register as election contestants regardless of their political persuasion?</td>
</tr>
<tr>
<td>• Did all candidates have an equal opportunity to campaign?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>The state took steps to ensure de facto equality between men and women.</td>
</tr>
<tr>
<td>• Are there measures in place to promote female candidature (e.g., quotas, requirements for specific placement on party lists, separate voting, training programs)?</td>
</tr>
<tr>
<td>• Are there special ballot requirements concerning qualification of women candidates?</td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special measures were taken, as necessary, to promote equality for minorities.</td>
</tr>
<tr>
<td>• Are special measures taken to ensure that members of minorities are given an opportunity to stand for office?</td>
</tr>
<tr>
<td>• Are there special ballot requirements concerning qualification of candidates from minorities?</td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special measures were taken to ensure de facto equality for people with disabilities.</td>
</tr>
<tr>
<td>• Are special measures taken to ensure that people with disabilities are given an opportunity to stand for office?</td>
</tr>
<tr>
<td>• Are there special ballot requirements concerning qualification of candidates with disabilities?</td>
</tr>
<tr>
<td>• Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equal Access to Public Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public places were accessible to all in a nondiscriminatory fashion.</td>
</tr>
<tr>
<td>• Is the use of state-controlled facilities for meetings, rallies, and other campaign activities allocated equally among electoral contestants?</td>
</tr>
<tr>
<td>• Are there restrictions on canvassing in public places? Are they equally applied to all parties?</td>
</tr>
<tr>
<td>• Have electoral contestants or their supporters been denied access to public places? On what basis?</td>
</tr>
</tbody>
</table>
**Freedom of Opinion and Expression for Political Candidates and Their Supporters**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freedom of Opinion and Expression</strong></td>
<td>Freedom of opinion and expression were protected throughout the campaign process.</td>
<td>• Are all candidates and parties equally able to campaign openly, free from administrative action, violence, or other forms of intimidation? • What, if any, restrictions have been placed on the content of political parties’ platforms? What, if any, restrictions have been placed on other forms of expression by candidates or parties? Do such restrictions align with international obligations?</td>
</tr>
<tr>
<td></td>
<td>Political parties were able to communicate their opinions to the electorate.</td>
<td>• Are parties and candidates able to organize and interact freely with the electorate? • Have restrictions been placed on the use of print, broadcast, or Internet media to disseminate campaign platforms? Do they align with international obligations?</td>
</tr>
</tbody>
</table>

**Advocacy of Hatred and Incitement to Violence**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freedom of Association</strong></td>
<td>Advocacy of national, racial, and religious hatred that constituted incitement to discrimination, hostility, or violence was prohibited by law, and the law was enforced.</td>
<td>• Are any candidates advocating national, racial, or religious hatred? Are any candidates inciting discrimination, hostility, or violence? • Does the law allow candidates to be disqualified on the basis of their platform? Are rules invoked in practice?</td>
</tr>
<tr>
<td><strong>Freedom of Opinion and Expression</strong></td>
<td>Freedom of opinion and expression for all electoral stakeholders, including candidates, parties, and their supporters during the campaign period.</td>
<td>• Are candidates, parties, and their supporters able to travel freely around the country in order to campaign? If not, do any restrictions align with international obligations? • Are candidates and/or their supporters able to return to the country to campaign?</td>
</tr>
</tbody>
</table>

**Campaign Silence Period**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freedom of Opinion and Expression</strong></td>
<td>If a campaign silence period was imposed, it was reasonable in length.</td>
<td>• Does the law require a campaign silence period? If so, when and what activities are prohibited? • Is the duration of the campaign silence period reasonable? • Is the campaign silence period enforced consistently?</td>
</tr>
</tbody>
</table>

**Campaigning Without Interference**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freedom of Assembly</strong></td>
<td>Candidates and their supporters were able to assemble freely throughout the campaign period. This included organizing and participating in public rallies and peaceful campaign activities.</td>
<td>• If electoral contestants are unable to assemble freely, what is the reason (e.g., arbitrary assignment of permits)?</td>
</tr>
<tr>
<td></td>
<td>Restrictions on the campaign activities were nondiscriminatory and subject to prompt independent and impartial judicial review.</td>
<td>• Are there means for contestants to appeal the restriction of free assembly? Is the ruling timely? • Are restrictions subject to independent and impartial review?</td>
</tr>
</tbody>
</table>

**Freedom of Movement for Political Candidates and Their Supporters**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Questions</th>
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</thead>
<tbody>
<tr>
<td><strong>Freedom of Movement</strong></td>
<td>Freedom of movement was respected for all electoral stakeholders, including candidates, parties, and their supporters during the campaign period.</td>
<td>• Are candidates, parties, and their supporters able to travel freely around the country in order to campaign? If not, do any restrictions align with international obligations? • Are candidates and/or their supporters able to return to the country to campaign?</td>
</tr>
<tr>
<td>Observation of the Campaign Period</td>
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</tr>
<tr>
<td><strong>Right and Opportunity to Participate in Public Affairs</strong></td>
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<tr>
<td>Citizens were able to participate in public affairs through political parties and nongovernmental organizations.</td>
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<tr>
<td>• Are there active civil society organizations focused on political issues or the electoral process? Are they able to operate freely? Do they have national coverage?</td>
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<tr>
<td>Election observers were able to observe the campaign process.</td>
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<tr>
<td>• Are observers accredited in sufficient time to observe the campaign process?</td>
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<tr>
<td>• Are any restrictions placed on the ability of observers to operate during the campaign period? On what basis are these restrictions applied? Are any restrictions reasonable and objective?</td>
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<tr>
<td><strong>Transparency and Access to Electoral Documents</strong></td>
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<tr>
<td>The right of access to information was protected for everyone.</td>
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<tr>
<td>• Are documents regarding candidates and campaigns accessible to the public?</td>
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<tr>
<td>• Are there fees or other hurdles in order to access this information? Are the requirements prohibitive?</td>
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<tr>
<td>• Is information accessible to people with disabilities (e.g., in Braille, through assistive technologies, large font)?</td>
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<tr>
<td>The state proactively put in the public domain government information of public interest.</td>
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<tr>
<td>• Is the state proactive in making information publicly available?</td>
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<tr>
<td>• Where and in what format is the information available?</td>
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<tr>
<td><strong>Right to an Effective Remedy for Candidates and Parties</strong></td>
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<tr>
<td>There was a timely and effective means of seeking redress for violations of rights regarding candidacy and campaigning.</td>
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<tr>
<td>• Are the procedures for seeking a remedy clear?</td>
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<tr>
<td>• Are there fees for or technical barriers to seeking a remedy?</td>
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<tr>
<td>• Are remedies timely? Are they enforced?</td>
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<tr>
<td>Parties were granted an opportunity to challenge state decisions that restrict their formations and activities.</td>
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<tr>
<td>• Have any challenges been made to decisions of the state that restricted the formation of parties and their activities? On what grounds? What was their resolution?</td>
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<tr>
<td><strong>Security of the Person for Candidates, Parties, and Their Supporters</strong></td>
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<tr>
<td>The right to security of the person was enjoyed by all electoral stakeholders, including candidates, party members, and their supporters.</td>
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<tr>
<td>• Has the threat of violence or other security concerns been used to suppress campaigning activities?</td>
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<tr>
<td>• Are registered candidates free from interference or pressure to withdraw?</td>
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<td>• Are candidates provided with security teams?</td>
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<tr>
<td>• Are there verifiable instances of violence, intimidation or harassment, or the incitement of such acts against candidates or their supporters? Are such incidents promptly, consistently, and effectively addressed?</td>
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<tr>
<td>• Are law enforcement agencies acting in an impartial, restrained, professional, and appropriate manner?</td>
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<tr>
<td>• What are the sanctions for disrupting campaign activities or using violence? To whom do they apply?</td>
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</table>
### The Election Calendar and Enjoyment of Rights

| Periodic Elections | The election schedule provided adequate time for the registration of candidates and campaigning as well as the resolution of any complaints prior to election day. | • Is there a specific campaign period? How long does it last?  
• Does the timing allow sufficient opportunity for candidate registration and campaigning?  
• Does the electoral calendar allow adequate time for the resolution of disputes related to candidacy and campaigning? |
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<tbody>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td>• Does the law clearly state acceptable and unacceptable sources of campaign funding?</td>
<td></td>
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</table>

### Regulation of Campaign Contributions

| Right and Opportunity to be Elected | There were clear rules and regulations regarding the acceptable sources of financial donations. | • Are there limitations on foreign funding?  
• Are nationals living abroad allowed to contribute to campaigns? If there are limits, do they affect any particular candidate/party? |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Freedom of Opinion and Expression   | The state regulated foreign funding of candidates and parties but did not limit contributions by nationals living abroad. | • Are limitations placed on contributions to political campaigns?  
• Are there limitations on contributions from a single source?  
• Are anonymous donations regulated? |
|                                     | Reasonable limitations were imposed on private contributions. | • Are there limits on candidates' contributions to their own campaigns? |
|                                     | Candidates could contribute to their own campaigns, subject to reasonable limitations. | |

### Public Funding for Election Campaigns

| Right and Opportunity to be Elected | The state and citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party. | • Does the state provide support to candidates? Did state support interfere with the independence of the party?  
• What form did state support take? |
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<tbody>
<tr>
<td>Freedom From Discrimination and Equality Before the Law</td>
<td>State support of candidates was available on an equitable basis and was distributed according to an objective, fair, and reasonable formula.</td>
<td>• What conditions are there for receipt of public funding? Is it distributed equally among candidates or based on a fair and equitable formula?</td>
</tr>
<tr>
<td><strong>Private Funding for Campaigns</strong></td>
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<td>----------------------------------</td>
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</tr>
<tr>
<td><strong>Right and Opportunity to Be Elected</strong></td>
<td>Citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party.</td>
<td>• Can citizens provide financial support to candidates? Does such support interfere with the independence of the party?</td>
</tr>
<tr>
<td><strong>Right and Opportunity to Participate in Public Affairs</strong></td>
<td>The system for regulating private financial contributions ensured equality of freedom to raise private funds.</td>
<td>• Were candidates equally permitted to raise private funds? • Does the legal and regulatory framework limit private contributions? • What are the mechanisms for enforcing contribution limits? • Do limits apply to in-kind contributions of supplies?</td>
</tr>
<tr>
<td><strong>Freedom of Opinion and Expression</strong></td>
<td>Citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party.</td>
<td>• Can citizens provide financial support to candidates? Does such support interfere with the independence of the party?</td>
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<tr>
<th><strong>Campaign Expenditures</strong></th>
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<td><strong>Right and Opportunity to Be Elected</strong></td>
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<tr>
<td><strong>Freedom From Discrimination and Equality Before the Law</strong></td>
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</tbody>
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<tr>
<th><strong>Disclosure of Campaign Finances</strong></th>
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<tbody>
<tr>
<td><strong>Transparency and Access to Information</strong></td>
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<tr>
<td><strong>Prevention of Corruption</strong></td>
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</table>
### Misuse of State Resources

<table>
<thead>
<tr>
<th>Right to Security of the Person</th>
<th>• Is there a balanced and transparent system for political party financing that guards against corruption?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prevention of Corruption</td>
<td>• Do law and regulations clearly prohibit the use of government resources to advance the interests of a particular contestant?</td>
</tr>
<tr>
<td></td>
<td>• Is there a prohibition against candidates currently in office using the benefits of their positions for electoral gain?</td>
</tr>
<tr>
<td></td>
<td>• Do law and regulations prohibit government officials, including military officers and police commanders, from pressuring subordinates to support or campaigning for a particular political contestant?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public resources were not abused in support of a particular party or candidate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Do law and regulations clearly prohibit the use of government resources to advance the interests of a particular contestant?</td>
</tr>
<tr>
<td>• Is there a prohibition against candidates currently in office using the benefits of their positions for electoral gain?</td>
</tr>
<tr>
<td>• Do law and regulations prohibit government officials, including military officers and police commanders, from pressuring subordinates to support or campaigning for a particular political contestant?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The law was clear regarding the extent to which public employees could be involved in a campaign. Public employees were not coerced into voting for a particular candidate or party.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Is there a clear law regarding the involvement of public employees in campaigns?</td>
</tr>
<tr>
<td>• Do law and regulations prohibit government employees from campaigning for any electoral contestant during the hours of their employment?</td>
</tr>
<tr>
<td>• Is there verifiable evidence of coercion or pressure on public employees to campaign for a particular party or candidate?</td>
</tr>
</tbody>
</table>

### Independent Body to Monitor Campaign Finances

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
<th>• Is there an independent campaign finance monitoring body?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The state took steps to provide for independent monitoring of campaign and political financing.</td>
<td>• Who determines the body's membership?</td>
</tr>
<tr>
<td></td>
<td>• Is the body's mandate laid out in clear regulations?</td>
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<td></td>
<td>• Does the body release information in a timely manner?</td>
</tr>
</tbody>
</table>

### Sanctions for Campaign Finance Violations

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
<th>• Who is responsible for enforcing sanctions against those who violate campaign finance regulations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violations of rules regarding political and campaign finance were subject to proportionate and effective sanctions.</td>
<td>• Are the sanctions effective?</td>
</tr>
</tbody>
</table>
## 7. The Media

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Legal Framework and the Media</strong></td>
<td></td>
</tr>
<tr>
<td>The principles of rule of law were promoted.</td>
<td>• Are all decisions related to the media subject to the rule of law?</td>
</tr>
<tr>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
<td>• Are all media provisions applied consistently?</td>
</tr>
<tr>
<td>The legal framework for elections was consistent with international human rights.</td>
<td>• Does the legal framework ensure that media regulation is in compliance with international obligations and human rights?</td>
</tr>
<tr>
<td><strong>Pluralistic and Balanced Media</strong></td>
<td></td>
</tr>
<tr>
<td>A pluralistic media promoted citizen access to information, and the media was free to play an impartial and objective role in covering electoral issues.</td>
<td>• Are there multiple media outlets that cover a range of political views?</td>
</tr>
<tr>
<td>• Does the government own or control any media outlets? Are there independent boards for such outlets? If so, who is on them and how were they appointed?</td>
<td></td>
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<tr>
<td>• Is there a licensing requirement for print media for importing, owning, or operating a printing press or regulations pertaining to the import or pricing of newsprint or distribution of printed materials?</td>
<td></td>
</tr>
<tr>
<td>• Have media outlets been shut down because of political views expressed?</td>
<td></td>
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<tr>
<td>• What role do bloggers or other online media play in this election?</td>
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</tr>
<tr>
<td>The structure of media ownership was transparent so that citizens could better understand potential biases in their information sources.</td>
<td>• Who owns or controls private media outlets?</td>
</tr>
<tr>
<td>• Are they identified with certain partisan or other influential individuals or organizations?</td>
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</tr>
<tr>
<td>• What are the government and private sources of income for media outlets?</td>
<td></td>
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<tr>
<td>• To what degree are various media outlets dependent on government advertising or subsidies?</td>
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<tr>
<td>Space in the media existed for political debate.</td>
<td>• Do the media cover political issues? Does coverage include both sides of the political debate?</td>
</tr>
</tbody>
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**State Must Take Necessary Steps to Give Effect to Rights**

**Rule of Law**

**Transparency and Access to Information**

**Freedom From Discrimination and Equality Before the Law**
### Independence of the Media

<table>
<thead>
<tr>
<th>The Media</th>
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<tbody>
<tr>
<td>There were no restrictions on who may practice journalism by the state, though journalists may have regulated themselves.</td>
<td>• Do regulations restrict who can practice journalism? If so, on what grounds?</td>
</tr>
<tr>
<td>Editorial independence was protected, and the government did not abuse resources or influence to exert control over media content.</td>
<td>• Do media outlets include editorial content? Is it clearly identified as such?</td>
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<tr>
<td>• Do media outlets face any kind of interference in their editorial policies from the authorities, political parties, or owners?</td>
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<tr>
<td>• Do media outlets face negative reactions to their editorial content from the state?</td>
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<tr>
<td>• Are there any reports of the government withholding or increasing resources in order to exert control over media?</td>
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<tr>
<td>The media was able to express criticisms of the government.</td>
<td>• Have cases been brought against members of the media for criticizing any branch of the government?</td>
</tr>
<tr>
<td>The media was not held liable for the reproduction of untrue statements made by others.</td>
<td>• Were any media outlets or individual journalists penalized or harassed in any way solely for broadcasting programs or publishing articles critical of the government or other authorities and/or their policies?</td>
</tr>
<tr>
<td>• Has any member of the media or any media outlet been held liable for the untrue statements of others?</td>
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</table>

### Independent Body to Regulate Broadcasting During Elections

<table>
<thead>
<tr>
<th>The state took the steps necessary to guarantee rights with regard to the media, for example, through the establishment of an independent body to regulate election broadcasts.</th>
<th>• Does an independent regulatory body for the media exist?</th>
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<tbody>
<tr>
<td>• What is the body’s mandate?</td>
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<tr>
<td>• Does the body have the authority to implement and enforce its decisions?</td>
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<tr>
<td>The appointment and functioning of regulatory authorities of the media were transparent, and they were independent and protected from political interference. The media regulatory body acted in a transparent and impartial manner.</td>
<td>• What is the composition of the body?</td>
</tr>
<tr>
<td>• How are members of the body selected for and removed from their position?</td>
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<tr>
<td>• Does the body have its own budget and ability to recruit its own staff?</td>
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<tr>
<td>• Is the body viewed as independent by candidates, parties, and other stakeholders?</td>
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<tr>
<td>Freedom of Expression and the Media</td>
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</tr>
<tr>
<td>Freedom of Opinion and Expression</td>
<td>Freedom of opinion and expression by the media was respected throughout the electoral process. In addition, the media respected the freedom of opinion and expression of others.</td>
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<td>• Do the media face any kind of censorship or obstruction by the authorities?</td>
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<tr>
<td></td>
<td>• Are parties or candidates allowed to present their materials unedited or without review by government or broadcast officials?</td>
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<td>• Are journalists forced to adjust their comments or criticisms so as to be considered acceptable by the authorities? Do journalists engage in self-censorship?</td>
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<td></td>
<td>• Are any journalists being harassed, incarcerated, or subject to other forms of intimidation that stifle their freedom of expression or have a chilling effect?</td>
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<tr>
<td></td>
<td>Free communication of information and ideas about public and political issues took place between citizens, candidates, and elected representatives.</td>
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<td>• Is there a robust campaign in which candidates and parties use the media to convey their political platform?</td>
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<td>• What forms of media are used by political candidates and parties to communicate with the electorate?</td>
</tr>
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<td>• Do candidates and parties have active online presences? Is social media being used to communicate to voters? Are these campaigns effective?</td>
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<tr>
<th>Hate Speech and Incitement to Violence</th>
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<td>Freedom of Opinion and Expression</td>
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<th>Defamation</th>
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<td>Freedom of Opinion and Expression</td>
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<th>Opinion Polls</th>
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<tr>
<td>Campaign Silence Period</td>
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<tr>
<td><strong>Freedom of Opinion and Expression</strong></td>
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<th>Voter Education and Debates</th>
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<th>Access to Electoral Information</th>
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<td>The state proactively put in the public domain government information of public interest.</td>
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</table>
| The regulation of the media promoted equality and absence of discrimination. | • Is there any prejudice in reporting based on ethnic, religious, gender, or other status or social issues?  
• Do election contestants have unimpeded access to the media? Are there legal or administrative obstacles? Does the media reproduce gender stereotypes or sexist language (e.g., excessive focus on a female candidate’s wardrobe)? |
| Political parties and candidates had access to the public media on a nondiscriminatory basis. | • Are parties and candidates given equal opportunity to use government-controlled facilities to use messages where alternative facilities are not readily available?  
• Do public media outlets offer the same fee structure to all political contestants?  
• Are favored parties given discounts? |
| Female and male candidates received equal coverage. | • Are all candidates receiving equal coverage, regardless of sex? |
| The media took steps to reach all segments of society, including those who speak minority languages or live in rural areas. | • What is the footprint of different media outlets? Do all geographic regions of the country have access to the media?  
• In what languages are election-related materials available? |
| News coverage of incumbents in the public media was not abused so that it constituted additional free airtime or print coverage. | • Are the incumbent politicians prevented from using coverage of their official activities for campaign purposes?  
• Does the state-owned media provide equal coverage of all candidates?  
• Is there any preferential treatment by the media in favor of a particular candidate or political party? Is there preferential treatment of the incumbent? If so, what does this include? |

<table>
<thead>
<tr>
<th>Private Media Regulations</th>
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</thead>
</table>
| Private media, while not subject to the same regulation as public media, was generally fair and balanced in its coverage of the candidates and provided an equal opportunity for access to all candidates. | • Do private media provide impartial and balanced coverage of the campaign and election-related issues? If the private media demonstrates bias in their coverage, whom do they favor?  
• Are all electoral contestants able to access private media outlets?  
• Are private media outlets owned by candidates or political parties? |
## Illustrative Questions for Data Collection

### The Media

**Free Airtime and Paid Advertising**

- Free airtime was distributed equally (both amount of space as well as the timing and location of the media space).
- Do the laws and regulations provide clear requirements for independent public media and private media to provide unpaid access to electoral contestants on a fair and equitable basis?
- Is free airtime allocated equitably (e.g. timing, location of the media space)?

**Transparency and Access to Information**

- Free airtime for candidates and parties was granted during peak viewing or listening hours.
- Are all candidates and parties granted access to peak airtime?

**Freedom From Discrimination and Equality Before the Law**

- Paid advertising on public media was identified as such, and the costs and conditions involved were reasonable and equally applied to all candidates and parties.
- What are the fee structures for paid advertisements by candidates?

### Limits on advertising spending (as political speech) were instituted only in the interest of promoting equality between candidates or parties.

- What limitations exist on campaign advertising spending?
- Are there frameworks in place to ensure transparency in advertising spending?
- Can third parties pay for and air political advertisements?
- Do regulations require that spending on advertising be disclosed in regular reporting by candidates?

### Freedom of Movement and the Media

**Freedom of Movement**

- Freedom of movement was guaranteed to all electoral stakeholders, including the media.
- Are there explicit or implicit restrictions placed on journalists’ travel to any part of the country?
- Have security conditions impeded media coverage by hindering free movement within the country?

### Safety, Security, and the Media

**Right to Security of the Person**

- Security of the person was guaranteed for all election stakeholders, including members of the media.
- Are media personnel subject to harassment by state authorities or nonstate actors?
- Are any journalists being harassed, incarcerated, or subject to other forms of intimidation that stifle their freedom of expression or have a chilling effect?

### Right to an Effective Remedy and the Media

**Right to an Effective Remedy**

- A system to file complaints related to the media was available for all citizens.
- Is there a complaint mechanism for violations of media regulations? If so, under whose authority is the mechanism?
- Does the implementing body act when it identifies a breach of the regulations, regardless of whether a complaint has been filed?
- Are sanctions imposed by the supervisory body commensurate with the gravity of the offense committed? Could sanctions encourage self-censorship among journalists?
- Are extreme sanctions, such as temporary suspension of broadcasts or a license, adopted for only the most serious and repeated violations? Are they subject to judicial appeal?
### 8. Voting Operations

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
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</thead>
<tbody>
<tr>
<td><strong>Legal Framework for Voting Operations</strong></td>
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<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td>The principles of rule of law were promoted.</td>
</tr>
<tr>
<td></td>
<td>• Are all decisions related to voting procedures subject to the rule of law?</td>
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<tr>
<td></td>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
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<tr>
<td></td>
<td>• Are laws regarding voting procedures enforced consistently?</td>
</tr>
<tr>
<td></td>
<td>• Are the laws regarding voting procedures publicly promulgated and available in the official languages of the country?</td>
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<tr>
<td></td>
<td>The legal framework for elections was consistent with international human rights.</td>
</tr>
<tr>
<td></td>
<td>• Does the legal framework ensure that voting is in compliance with international obligations and human rights?</td>
</tr>
<tr>
<td><strong>Citizenship</strong></td>
<td></td>
</tr>
<tr>
<td>Freedom From Discrimination and Equality Before the Law</td>
<td>The rules regarding citizenship were clear and nondiscriminatory.</td>
</tr>
<tr>
<td></td>
<td>• What are the criteria for citizenship? Are they clear and understandable?</td>
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<tr>
<td></td>
<td>• Do citizenship criteria discriminate against particular groups of people? If so, whom?</td>
</tr>
<tr>
<td></td>
<td>• Are there restrictions on who can acquire or confer citizenship?</td>
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<tr>
<td></td>
<td>• With respect to the enjoyment of rights, are distinctions made between those who attained citizenship by birth versus those who attained it through naturalization?</td>
</tr>
<tr>
<td>Equality Between Men and Women</td>
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</tr>
<tr>
<td>Rule of Law</td>
<td></td>
</tr>
<tr>
<td><strong>The Right to Vote and Voting Operations</strong></td>
<td></td>
</tr>
<tr>
<td>Right and Opportunity to Vote</td>
<td>The right to vote was guaranteed by law and was subject only to reasonable and objective restrictions.</td>
</tr>
<tr>
<td></td>
<td>• Is the right to vote restricted in any way? Are these restrictions reasonable and objective?</td>
</tr>
<tr>
<td></td>
<td>• Are there significant legal or other hurdles to get to a polling station or otherwise cast a vote? Do they disproportionately impact a specific group or the supporters of a specific party or candidate?</td>
</tr>
<tr>
<td></td>
<td>• Are registered voters prevented from voting because of problems with the electoral rolls, voting hours, or other reasons? If yes, are these problems disproportionately impacting a specific group or the supporters of a specific party or candidate?</td>
</tr>
<tr>
<td>Freedom From Discrimination and Equality Before the Law</td>
<td>Any restrictions on the right to vote were established in advance of election day, and any loss of that right was only imposed after adjudication by a court.</td>
</tr>
<tr>
<td></td>
<td>• Are any restrictions on the right to vote reasonable and objective? Are they established in law in advance of election day?</td>
</tr>
<tr>
<td></td>
<td>• Is the loss of voting rights imposed only after adjudication by a court or tribunal?</td>
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(continues)
## The Right to Vote and Voting Operations (Continued)

<table>
<thead>
<tr>
<th>Right and Opportunity to Vote</th>
<th>Freedom From Discrimination and Equality Before the Law</th>
</tr>
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<tbody>
<tr>
<td><strong>Poll workers were adequately trained in the determination of eligible voters.</strong></td>
<td>• Do the law and regulations provide clear and reasonable means for establishing a prospective voter’s identity and eligibility to vote (e.g., a voter registration card or other government-issued identification or other document that establishes name, residence, and other criteria)?</td>
</tr>
<tr>
<td>• Have election workers been training on how to determine eligible voters? Are poll workers assessing eligibility consistently?</td>
<td>• If required, are identity documents a reliable means of preventing impersonation of eligible voters?</td>
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## Facilitation of Voting

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<tr>
<th>Right and Opportunity to Vote</th>
<th>Freedom of Movement</th>
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<tbody>
<tr>
<td><strong>Voting operations facilitated broad participation.</strong></td>
<td>• Do arrangements for voting facilitate equal opportunities for all voters?</td>
</tr>
<tr>
<td>• Do voters appear to understand the voting process?</td>
<td>• Are there provisions requiring voter education signs or directions at the polling site?</td>
</tr>
<tr>
<td>• Are there provisions requiring voter education signs or directions at the polling site?</td>
<td>• If required/where applicable, are required identity documents easily available to all prospective voters in order to prevent disenfranchisement?</td>
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<td></td>
</tr>
<tr>
<td><strong>Sufficient resources, human and material, were available at each polling station.</strong></td>
<td>• Are the following materials missing or insufficient: indelible ink, booths, ballot papers, envelopes, voter lists, ballot boxes, stamps, seals/padlocks, light source?</td>
</tr>
<tr>
<td>• Is the minimum number of polling staff present? Are there enough staff to run the polling station efficiently?</td>
<td>• Is the area surrounding the polling center (including roads and paths) free from obstacles or barricades that could preclude its accessibility for voters?</td>
</tr>
<tr>
<td><strong>There were an adequate number of polling places to accommodate voters.</strong></td>
<td>• Do the voters have adequate information about the location of their polling station?</td>
</tr>
<tr>
<td>• How many voters are assigned to each polling site?</td>
<td>• What are the requirements for locating polling sites?</td>
</tr>
<tr>
<td>• Can voters be processed in the number of voting hours?</td>
<td>• Do locations take into consideration the needs of minority groups, people with disabilities, and women?</td>
</tr>
<tr>
<td><strong>Polling places were located in public places that were easy to access.</strong></td>
<td>• Is the area surrounding the polling center (including roads and paths) free from obstacles or barricades that could preclude its accessibility for voters?</td>
</tr>
<tr>
<td>• What are the requirements for locating polling sites?</td>
<td>• Do the voters have adequate information about the location of their polling station?</td>
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<td>• What are the requirements for locating polling sites?</td>
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## Polling Places Accessible to Voters with Disabilities

| Freedom From Discrimination and Equality Before the Law | Polling places were accessible, including to those with disabilities. | • Are polling sites required by law to be accessible to voters with physical challenges and disabilities?  
• Are the facilities suitable for disabled people to use independently? |
|---|---|---|
| Right and Opportunity to Vote | Impartial assistance for voters unable to vote independently was provided. | • Is impartial assistance provided to voters who require such support? Does assistance given protect the secrecy of the ballot?  
• Does the ballot contain symbols for the electoral contestants so that illiterate people can easily identify their electoral choice and cast a secret ballot? |
| Secret Ballot | Voters were made aware of their right to impartial assistance, if needed. | • Are voters requiring assistance informed of their right to impartial assistance?  
• Can voters choose who will assist them? |
| Assisted Voting | | |
| Universal Suffrage | Proxy voting, if allowed, was strictly regulated. | • Is proxy voting allowed? If so, what rules regulate proxy voting practices? Are any voters attempting to proxy vote?  
• What is the response of polling officials?  
• If cases of proxy voting are observed, do they affect women voters in particular? |
| Equal Suffrage | | |
| Secret Ballot | | |
| Secrecy of the Ballot | The legal framework offered clear guidance with regard to the secrecy of the ballot. | • Is the right to secrecy of the ballot guaranteed in law and in practice? Are there clear procedures to protect casting a secret ballot?  
• When voting procedures appear to compromise the secrecy of the ballot, do the voters believe that their votes are secret?  
• If voting technologies are used, are safeguards in place to prevent votes cast being linked with specific voters (e.g., using time stamps)?  
• If sequential numbers appear on ballots and ballot counterfoils, is it possible to trace how a person voted? |
| Family and group voting was prohibited. | | • What steps are being taken to prevent group voting? Is group voting occurring and, if so, how frequently? What is the response of election officials?  
• Are cases of family voting observed that affect women voters in particular? |
| Polling stations were set up to ensure secrecy of the ballot. | | • Is the layout of the polling station adequate for voting and ensuring the secrecy of the vote?  
• Is a private place provided for voters to mark a ballot or indicate an electoral choice on a machine? Are any voters voting outside the booth? |
### Voting Technologies

<table>
<thead>
<tr>
<th>Right and Opportunity to Vote</th>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
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</table>
| Electronic voting technologies operated correctly, and their functioning was ensured by the state through an independent body. | - Do the law and regulations provide for use of electronic voting machines? If so, is a voter-verified paper audit trail required for each vote?  
- Are election officials required to follow clear and specific procedures during the voting process?  
- Are clear and secure troubleshooting procedures provided concerning the machines (e.g., having paper ballots on hand in case of machine failure)?  
- Is staff satisfactorily trained and is sufficient technical assistance available?  
- Is polling-day testing required of a random sample of electronic voting machines in a manner that protects security of the vote registered on the machines?  
- Are party/candidate representatives provided access to monitor the design, testing, certification, procurement, election official training, and delivery of voting technologies? |

| Voting technologies were usable by voters and secure from interference. | • Are voting technologies simple and easy to understand? Are voters provided the alternative of using a paper ballot?  
• Are clear security procedures set concerning the voting hardware, software, and electronic data? Are they implemented?  
• Are there suitable safeguards against manipulation or interference in the e-voting process? Are they implemented? |

### Freedom From Discrimination in Voting Operations

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<thead>
<tr>
<th>Freedom From Discrimination and Equality Before the Law</th>
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</table>
| The voting process did not discriminate against anyone on the basis of prohibited grounds. | - Are there reports of voting being prevented on the basis of discriminatory criteria?  
- Are the facilities suitable for disabled people to use independently?  
- Is voting occurring across the country in all regions and areas, including those with minority populations or populations that favor a specific party or candidate?  
- Are women voting in equal numbers to men?  
- What is the gender of the presiding officer? Are women represented among polling staff? |
### Special Measures

**Freedom From Discrimination and Equality Before the Law**

The state took steps to ensure de facto equality between men and women.

- Is the state taking any special temporary measures to promote de facto equality between men and women in the voting process? What are they?
- Is sex-disaggregated data available on the casting of ballots?
- Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?

**Equality Between Men and Women**

Special measures were taken, as necessary, to promote equality for minorities.

- Is the state taking any special measures to promote voting by minorities? What are they? Are they effective?
- Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?
- Is the state meeting its objective for the temporary special measure? If so, has the special measure ceased?

Special measures were taken to ensure de facto equality for people with disabilities.

- Is the state taking any special measures to promote voting by people with disabilities? What are they?
- Is there an evaluation mechanism to ensure the impact of special measures? If so, have these efforts been effective?

### Ballot Design and Voter Choice

**Right and Opportunity to Vote**

Voters were able to verify their choice on their ballot and could alter their choice before casting their ballot.

- Are voters able to verify their choice on the ballot? Can they change their choice before the ballot is cast?
- Are voters able to cast a blank ballot if they so choose?

Ballots were understandable and user-friendly.

- Do ballots account for all levels of literacy?
- Are they available in the principal languages in multilingual societies?
- If they are available in more than one language, are ballots identical in all languages?

### Freedom of Movement and Voting Operations

**Freedom of Movement**

Freedom of movement was respected throughout the electoral process.

- Are voters, candidates, observers, and poll workers able to move freely about the country?
- Are there impediments to freedom of movement? If yes, what are they and why are they imposed? How are these restrictions addressed by the state?

Voters displaced in advance of election day had the possibility of returning on election day to cast their ballots.

- Are voters displaced before the election able to return to their place of former residence to vote? If no, why not? Are the reasons given for this reasonable and objective?
- Are internationally displaced people able to vote in their place of former residence?
### Partisan and Nonpartisan Observation of Voting Operations

**Right and Opportunity to be Elected**

- The state accredited citizen observer organizations and facilitated their ability to conduct their activities.
- Are citizen observer organizations accredited for the electoral process, including voting operations? How many?
- Are there restrictions on who can be accredited to observe the electoral process or on their degree of access? Are the restrictions reasonable and objective?
- Are partisan and nonpartisan observers present in polling stations?

**Right and Opportunity to Participate in Public Affairs**

- Candidates and their representatives were able to observe polling and counting as means of protecting their right to be elected.
- Are party/candidate agents able to observe all aspects of polling? Did the main political parties have representatives present at the polling station? Are they allowed to raise concerns and seek remedies on the spot? Are the representatives allowed to file complaints and seek remedies before, during, and/or after voting takes place?
- Are party representatives, candidates, and groups supporting or opposing referenda and other ballot initiatives able to observe the setup and activation of voting technologies?

**Freedom of Association**

- Observers were able to access places used for voting.
- Is access to the polling stations for observers or party agents restricted? On what grounds?

### Access to Information and Electoral Documents

**Transparency and Access to Information**

- The right to access information was respected throughout the voting process.
- Is information about voting operations publicly available? If so, in what format?
- Is the state proactive in publishing information on the electoral process?
- Documents regarding the electoral process, including voting operations, were publicly accessible and accurate.
- Are documents regarding the voting process (e.g., protocols, available for review by citizens in advance of the polls)? Are there barriers to accessing electoral documents?
- Is the electoral roll on display (subject to protection of personal data)?

### Election Calendar and Enjoyment of Rights

**State Must Take Necessary Steps to Give Effect to Rights**

- The electoral calendar provided adequate time for the state to give effect to rights and to prepare for and implement all aspects of the election process, including voting operations and election-day procedures.
- Does the electoral calendar allow enough time for the preparation of and implementation of voting operations?
- Does voting take place on a single day or over multiple days? What are the requirements for maintaining ballot security before, during, and following the voting day or days?
<table>
<thead>
<tr>
<th><strong>Deterrence of Fraud</strong></th>
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<tbody>
<tr>
<td>Procedures did not diminish the value of the votes of particular individuals, groups, or geographic areas.</td>
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<tr>
<td>- Is there evidence of irregularities in the voting process? If so, what is the scale of the problem, is it isolated or systematic, and what steps are taken to stop it?</td>
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<tr>
<td>- Do special voting procedures provide appropriate safeguards to protect the electoral rights of absentee voters? Is there any evidence of irregularities related to the implementation of the special voting procedures?</td>
</tr>
<tr>
<td>- What processes are in place to prevent multiple voting (e.g., inking fingers, checking for ink, stamping ballot papers, reconciling ballots, showing ballot boxes to be empty at poll opening, sealing ballot boxes)?</td>
</tr>
<tr>
<td>- Are ballots and other voting materials secured before, during, and after election day?</td>
</tr>
<tr>
<td>- Are safeguards for ballot security included in provisions concerning ballot design, review, printing, distribution, and collection?</td>
</tr>
<tr>
<td>- Are voters given more ballot papers than they are entitled to or are there any other indications of multiple voting?</td>
</tr>
<tr>
<td>- Is there any evidence or indication of ballot-box stuffing (bundles of ballots placed together in the ballot box or a number of ballots in the ballot box that is obviously greater than the number of signatures on the voter list)?</td>
</tr>
<tr>
<td>- Safeguards were in place to prevent removal of evidence of how a voter voted from the polling station.</td>
</tr>
<tr>
<td>- Do the law and regulations provide procedures to guard the ballot box or voting machines in a way that secures the secret ballot and guards against a person leaving the polling site with an unmarked ballot or ballots? Are these safeguards in place in practice?</td>
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<tr>
<td>- Are cameras allowed in the polling station? Are individuals allowed to take any photos that would show a voter’s ballot?</td>
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<thead>
<tr>
<th><strong>Equal Suffrage</strong></th>
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<tbody>
<tr>
<td>Secret Ballot</td>
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<tr>
<td>Safeguards were in place to prevent multiple voting and other forms of ballot fraud.</td>
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<tr>
<td>- Are policies and procedures in place to prevent corruption during voting?</td>
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<thead>
<tr>
<th><strong>Prevention of Corruption and Voting Operations</strong></th>
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<tbody>
<tr>
<td>Prevention of Corruption</td>
</tr>
<tr>
<td>The EMB maintained and implemented policies to prevent, address, and penalize acts of corruption, including during the voting process.</td>
</tr>
<tr>
<td>- Do polling officials conduct voting efficiently, impartially, and in accordance with the law? Are voting procedures conducive to an efficient and transparent voting process?</td>
</tr>
<tr>
<td>- Are policies and procedures in place to prevent corruption during voting?</td>
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<tr>
<th><strong>Training for Election Officials</strong></th>
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<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
</tr>
<tr>
<td>The state educated officials and citizens on the voting process.</td>
</tr>
<tr>
<td>- Are polling-station officials receiving formal training regarding their responsibilities during the voting process?</td>
</tr>
<tr>
<td>- Is the EMB producing and distributing poll workers’ manuals for reference on election day and during counting and tabulation? Are these being used?</td>
</tr>
<tr>
<td>- Are voter education materials posted in polling stations? Are poll workers correctly explaining the voting process to voters?</td>
</tr>
</tbody>
</table>
## Safety, Security, and Voting Operations

### Right to Security of the Person

**Potential voters were able to vote without intimidation or coercion.**

- Is there a peaceful atmosphere on election day?
- Are there other people in the polling station with no apparent official function? Are they all authorized? Have the proper identification?
- Are there prohibited or disruptive circumstances inside or outside the polling center (unauthorized campaign material, indications of vote-buying, violence, intimidation, presence of security personnel beyond regulations, inefficient queue control, chaos)?
- Are any cases of external pressure, intimidation, or reprisals observed that are directed at women voters in particular?

**Safeguards were in place to prevent coercion of voters.**

- Is the environment around the polling sites peaceful? Are there regulations to ensure a peaceful voting atmosphere?
- Are appropriate steps taken to prevent intimidation or coercion of voters and unlawful interference in polling? Are there police, security forces personnel, or government or local officials in polling stations?
- Do security arrangements outside the polls prevent intimidation of voters, vote-buying, and other forms of coercion?
- Are only authorized people present in the polling station?

**Security personnel played a positive role during the electoral process, providing protection for voters, candidates, and electoral management body personnel without interfering in the process.**

- Are members of the security forces present in the polling center? Are they authorized to be there?
- Are security forces and police behaving in an appropriate manner?

**Election officials were able to maintain order at the polling station.**

- Are electoral officials responsible for maintaining order within the polling station? Do security personnel and police follow instructions of election officials?

### Right to an Effective Remedy and Voting Operations

**The state provided an effective (timely and enforceable) remedy to all citizens for violations of their rights, including in the context of voting operations.**

- Are there mechanisms for dispute resolution and/or addressing complaints within the polling station?
- Are complaints and disputes dealt with in a fair and timely manner? Are complaints addressed or effectively resolved?
- Who is able to file an election-day complaint? What is the process for doing so? Does the process impose onerous operational or technical barriers?
- What penalties exist for violations of the electoral law (e.g., electoral-related violence, intimidation, coercion, vote-buying, illegal voting, ballot-box stuffing, ballot-box stealing or destroying, and other forms of fraud)? Are they enforced?
# 9. Vote Counting and Tabulation

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Framework and Vote Counting and Tabulation</strong></td>
<td></td>
</tr>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td></td>
</tr>
<tr>
<td><strong>Rule of Law</strong></td>
<td></td>
</tr>
<tr>
<td>The principles of rule of law were promoted.</td>
<td>• Are all decisions related to counting and tabulation subject to the rule of law?</td>
</tr>
<tr>
<td>The laws regulating elections were equally enforced and were not arbitrarily applied.</td>
<td>• Are counting and tabulation procedures enforced consistently?</td>
</tr>
<tr>
<td>The legal framework for elections was consistent with international human rights.</td>
<td>• Are the laws regarding counting and tabulation, including poll closing, publicly promulgated and available in the official languages of the country?</td>
</tr>
<tr>
<td>• Does the legal framework ensure that counting and tabulation are in compliance with international obligations and human rights?</td>
<td></td>
</tr>
<tr>
<td><strong>The Election Calendar and Enjoyment of Rights</strong></td>
<td></td>
</tr>
<tr>
<td>Periodic Elections</td>
<td></td>
</tr>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td></td>
</tr>
<tr>
<td>The electoral calendar allowed sufficient time for the state to give effect to rights and for all aspects of the electoral process to take place, including vote counting.</td>
<td>• How much time is allotted to vote counting and tabulation in the electoral timeline?</td>
</tr>
<tr>
<td>• Do counting and tabulation take place within the designated time frame?</td>
<td></td>
</tr>
<tr>
<td><strong>Counting Cast Ballots</strong></td>
<td></td>
</tr>
<tr>
<td>Right and Opportunity to Be Elected</td>
<td></td>
</tr>
<tr>
<td>Universal Suffrage</td>
<td></td>
</tr>
<tr>
<td>The state took proactive measures to promote voting by the broadest pool of eligible voters and ensured votes cast were counted.</td>
<td>• What is the process for collecting, counting, and tabulating all votes (including, where relevant, votes cast in special military facilities, prisons, hospitals, by absentee ballot, in early voting centers, or in mobile voting units)?</td>
</tr>
<tr>
<td>Vote counting and tabulation processes protected the right to be elected.</td>
<td>• Are ballots for each party or candidate separated correctly and counted individually?</td>
</tr>
<tr>
<td>• Are the votes for any particular party or candidate consistently handled improperly? If so, which party or candidate?</td>
<td></td>
</tr>
<tr>
<td>• Are any votes counted/not counted despite disagreement on the voters’ intent by party/candidate agents?</td>
<td></td>
</tr>
<tr>
<td>The vote counting and tabulation process did not discriminate against anyone on the basis of prohibited grounds.</td>
<td>• Is there discrimination toward any candidates or parties during the counting and tabulation process? If so, which party/candidate is being discriminated against? How?</td>
</tr>
</tbody>
</table>
### Determining Voter Intent

<table>
<thead>
<tr>
<th>State Must Take Necessary Steps to Give Effect to Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>The state took the steps necessary to give effect to rights during the vote counting process.</td>
</tr>
</tbody>
</table>

- Is each ballot ruled valid or invalid according to clear and specific rules that honor the clear intent of the voter? Are rulings on ballot validity and the choice of the voter made in a manner that allow representatives of electoral contestants, media, and domestic and international election observers to see the basis of the ruling?
- Are invalid ballots properly identified in a uniform manner? Are they appropriately segregated? Preserved for review?
- Are ballots invalidated in a reasonable and consistent manner? Are invalid ballots appropriately segregated and preserved for review?
- Does the number of invalid ballots seem inordinately high?

<table>
<thead>
<tr>
<th>The intent of the voter was taken into consideration when determining ballot validity.</th>
</tr>
</thead>
</table>

- Are there clear guidelines on determining a voter’s intent? Does the counting adhere to the principle that the ballot is deemed valid if the will of the voter is clear?
- Is there disagreement over voters’ intent? How are these votes handled? How often does this occur?
- Are there intentional acts to alter the expressed preferences of voters during the vote counting?

### Safeguards to Prevent Falsification of Ballots

<table>
<thead>
<tr>
<th>Equal Suffrage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal suffrage was respected throughout the electoral process, including vote counting, consistent with the concept of “one person, one vote.”</td>
</tr>
</tbody>
</table>

- Are all ballot papers that indicate the will of the voter considered valid?
- Are there clear procedures for reconciling the number of cast ballots (paper or electronic) with the list of voters?
- Are there intentional acts to alter the expressed preferences of voters during vote counting?

<table>
<thead>
<tr>
<th>Safeguards were put in place to ensure that there existed no opportunity to falsify or substitute ballots, including during the vote counting and tabulation process.</th>
</tr>
</thead>
</table>

- Was the ballot box shown to be sealed and free from tampering prior to opening? Are ballots taken from the box in front of observers?
- Are protocols and tally sheets countersigned by more than one poll worker?
- Are all sensitive election materials, including voting technologies, stored securely overnight and during transport?

### Prevention of Corruption in Vote Counting

<table>
<thead>
<tr>
<th>Prevention of Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EMB maintained and implemented policies to prevent, address, and penalize acts of corruption including during the voting process.</td>
</tr>
</tbody>
</table>

- Is the results process undertaken in a prompt and fully transparent manner?
- What precautions are taken to prevent interference with marked ballots?
- Is the count performed by polling-station officials or are other people involved?
- Are official records correctly completed at the end of the count and signed by all authorized people?
- Are the contents of the ballot box observed before ballots are removed in plain view? Are the ballot boxes checked for evidence of tampering?
- Are unused ballots secured, canceled, or destroyed after being counted?
- Are there clear procedures for the secure transportation of voting materials?
### Transparency in the Reporting, Transmission, and Publishing of Election Results

<table>
<thead>
<tr>
<th>Transparency and Access to Information</th>
<th>Prevention of Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Access to information was guaranteed throughout the electoral process, including during the counting and tabulation process.</strong></td>
<td>• What measures were implemented to ensure access to information was guaranteed throughout the process?</td>
</tr>
<tr>
<td></td>
<td>• Were there any complaints that information was unavailable and/or inaccurate?</td>
</tr>
<tr>
<td></td>
<td>• Are results, disaggregated by polling station, available on the EMB website?</td>
</tr>
<tr>
<td><strong>The state proactively put in the public domain government information of public interest.</strong></td>
<td>• Are results published within stipulated time frames, according to procedures? Where are the results published after announcement?</td>
</tr>
<tr>
<td></td>
<td>• At what levels of the election administration are results published?</td>
</tr>
<tr>
<td><strong>Votes were counted and reported honestly.</strong></td>
<td>• Are the votes counted and reported accurately and honestly?</td>
</tr>
<tr>
<td></td>
<td>• Is the counting conducted in an orderly manner? Are ballots for each party or candidate separated correctly and counted individually?</td>
</tr>
<tr>
<td></td>
<td>• Are official counting records correctly completed at the end of the count and signed by all authorized people?</td>
</tr>
<tr>
<td></td>
<td>• Are there any discrepancies between the counted votes and the published results? Can the EMB account for them?</td>
</tr>
<tr>
<td><strong>The counting process was verifiable, and the ballots preserved for later review.</strong></td>
<td>• Does each level of results aggregation include a breakdown of results by polling station or counting center to enable an independent audit to be conducted?</td>
</tr>
<tr>
<td></td>
<td>• Is the count conducted in a transparent environment?</td>
</tr>
<tr>
<td></td>
<td>• Are unused ballots secured, cancelled, or destroyed after being counted?</td>
</tr>
<tr>
<td></td>
<td>• Are documents that record the official vote count for the electoral contestants verified and signed by more than one election official? Are representatives of the electoral contestants allowed to sign the tally sheets?</td>
</tr>
<tr>
<td></td>
<td>• Are ballot papers and other sensitive election materials preserved for later review (e.g., during a challenge or recount)?</td>
</tr>
<tr>
<td><strong>Results were published in a timely manner, were publicly announced, and were posted at the counting station.</strong></td>
<td>• Are the results immediately publicly posted at the polling station or counting center upon completion of the count?</td>
</tr>
<tr>
<td></td>
<td>• Are partial/preliminary results available prior to the announcement of final results?</td>
</tr>
<tr>
<td></td>
<td>• Is there a specific time frame in which the results must be announced? Is it met?</td>
</tr>
<tr>
<td><strong>Tallies were transmitted to higher levels of tabulation in a transparent and open manner.</strong></td>
<td>• How are results transmitted to each higher level of tabulation?</td>
</tr>
<tr>
<td></td>
<td>• Do transmission methods allow for the verification of results at the next level of tabulation regardless of the method of transmission (e.g., phone, fax, or Internet)?</td>
</tr>
<tr>
<td></td>
<td>• Are all levels of tabulation open to observation and/or verification by observers and candidate/party agents?</td>
</tr>
<tr>
<td></td>
<td>• Are results publicly posted by polling station at the polling center? Are copies given to observers and agents?</td>
</tr>
<tr>
<td></td>
<td>• Are there procedures in place for the secure transportation of sensitive election materials? Are they implemented?</td>
</tr>
</tbody>
</table>
# Partisan and Nonpartisan Observation of Vote Counting and Tabulation

<table>
<thead>
<tr>
<th>Right and Opportunity to Be Elected</th>
<th>Candidates and their representatives, as well as observers, were able to observe polling and counting.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right and Opportunity to Participate in Public Affairs</td>
<td>The vote-counting process was transparent and observable.</td>
</tr>
<tr>
<td>Freedom of Association</td>
<td>Party agents and accredited observers were given copies of the protocols and tabulation sheets from the results center.</td>
</tr>
<tr>
<td>Prevention of Corruption</td>
<td>Observers were able to access places used for vote counting and tabulation.</td>
</tr>
<tr>
<td>Protection of Ballot Secrecy</td>
<td>Regardless of the balloting method used, secrecy of the ballot was maintained throughout the electoral process, including during voting and tabulation. It was not possible to link cast ballots to specific voters during counting and tabulation. The legal framework offered clear guidance on secrecy of the ballot throughout the election.</td>
</tr>
</tbody>
</table>

- Are representatives of political parties and candidates able to observe all aspects of the vote counting, transmission of results, and tabulation?
- Are citizen observers able to observe all aspects of the vote counting, transmission of results, and tabulation?
- Are citizen observer organizations accredited for the electoral process, including counting and tabulation? How many?
- Are female observers able to access counting centers? In comparison with men, do they face additional barriers to access, including social or cultural barriers?
- Are any organizations conducting parallel vote tabulations or exit polling? Are these efforts credible, and what are their results?
- Are there any restrictions placed upon the ability of organizations to conduct parallel vote tabulations or exit polling?
- Do polling officials strive to conduct the counting process in an open, transparent manner?
- Are party/candidate agents and observers issued a copy of the results protocol?
- Do observers have access to the counting process?
- Do observers have access to tabulation centers at all levels?
- Is a postelection audit conducted on a random sample of electronic voting machines, regardless of whether there is a challenge to the official results?
- Is there a procedure for reconciling the votes recorded on the machines with the official record of voter turnout at the polling site (e.g., the number of people who signed the voter registry)? Is it implemented?
- Do ballots contain any unusual markings intended to violate the secrecy of the ballot?
- Are all ballot papers that reveal the identity of the voter considered invalid?
### Freedom of Movement

Freedom of movement was respected throughout the electoral process, including the immediate election period.

- Are polling officials able to move freely about the country to deliver/collect/transmit vote materials?
- Are partisan and nonpartisan observers able to move freely about the country to observe vote counting and tabulation processes?

### Safety, Security, and Vote Counting and Tabulation

Vote counting took place in an environment free of intimidation.

- Are there any concerns or reports of intimidation and/or coercion surrounding the counting and tabulation processes? Any reports of intimidation or coercion? Who do they involve?
- Is the environment around and within the center secure during vote counting and tabulation?
- Are any unauthorized people present at the counting or tabulation? Are they actively involved in the count?
- Is anyone participating in the vote counting process that should not be?

Security personnel played a positive role during the electoral process, providing protection for voters, candidates, and electoral management body personnel without interfering in the process.

- Are armed personnel present in the counting/tabulation center? Nearby? Are they acting in accordance with established procedure and not interfering in the counting and tabulation processes?
- Are the police and/or security forces personnel engaged in inappropriate activities, such as taking notes and reporting figures or results by telephone?

### Training of Polling and Counting Workers

The state educated officials and citizens on the vote counting and tabulation process.

- Do election officials appear to understand and adhere to the required procedures? Did they receive training on counting procedures? What did this training include?
- Are an adequate number of staff and supervisors trained for the counting and tabulation process?
- Are the closing, reconciliation, and counting procedures properly followed? Do counting officials act in an impartial manner and in accordance with the law?
- Is there any education on the counting and tabulation process for citizens? Observers? Party agents/candidates?
### Right to an Effective Remedy and Vote Counting and Tabulation

<table>
<thead>
<tr>
<th>Right to an Effective Remedy</th>
<th>The right to remedy was protected throughout the process.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Is there a complaint mechanism for violations that occur during the counting and tabulation process? Have any complaints been filed? Have they resolved?</td>
</tr>
<tr>
<td></td>
<td>• Are all complaints resolved in time to appropriately count/discount the vote in question?</td>
</tr>
<tr>
<td>The right to challenge the election results was guaranteed by law.</td>
<td>• Are there clear procedures for party agents/candidates to raise concerns regarding the accuracy of the count? Are they followed?</td>
</tr>
<tr>
<td>There was impartial scrutiny of the counting and tabulation process, and it was subject to judicial review.</td>
<td>• Is the count and tabulation process subject to judicial review?</td>
</tr>
<tr>
<td>The legal framework provided clear guidance on the grounds for complaints and appeals as well as the processes for demanding a recount.</td>
<td>• When can a complaint be filed?</td>
</tr>
<tr>
<td></td>
<td>• What is the timeline for complaints? Is this timeline clearly communicated to candidates and parties?</td>
</tr>
<tr>
<td></td>
<td>• Is the timeline for filing a complaint and other requirements (e.g., fees, numbers of copies of complaints to be submitted, etc.) reasonable?</td>
</tr>
<tr>
<td></td>
<td>• Does the timeline include sufficient time to resolve complaints prior to a determination of results?</td>
</tr>
<tr>
<td></td>
<td>• Who can request a recount and on what basis?</td>
</tr>
</tbody>
</table>

### Respect for the Results of Genuine Elections

<table>
<thead>
<tr>
<th>Right and Opportunity to Vote</th>
<th>The results of the election, if genuine, were respected by all parties and the international community.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right and Opportunity to Be Elected</td>
<td>• Are all results announced? If no, why not?</td>
</tr>
<tr>
<td></td>
<td>• Are results being accepted by all parties, candidates, and other electoral stakeholders? By the international community?</td>
</tr>
<tr>
<td></td>
<td>• If results are not accepted, why not? Who is refusing to accept them?</td>
</tr>
<tr>
<td></td>
<td>• Are any rejections of the results challenged in a legal manner?</td>
</tr>
</tbody>
</table>
## 10. Electoral Dispute Resolution

### The Legal Framework and Dispute Resolution

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATIVE QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
</table>
| Electoral dispute resolution took place in accordance with the principles of the rule of law. | • Are all decisions related to electoral dispute resolution subject to the rule of law?  
• Are the electoral dispute resolution procedures clearly stipulated by law? |
| Laws and procedures were not arbitrarily applied. | • Are electoral dispute resolution procedures enforced consistently?  
• Are the laws regarding electoral dispute resolution publicly promulgated and available in the official languages of the country? |
| The state implemented sanctions against those who violated the electoral law. | • Does the state impose sanctions for violations of the electoral law? What sanctions are imposed? Are they proportionate to the offense?  
• Are any winning candidates disqualified for violations? |
| The law was clear regarding legal standing for electoral disputes. | • Is it clear who has standing to file each type of complaint, which body has jurisdiction, and which administrative law or court procedures apply, including filing requirements, burdens of proof, rules of evidence, and timelines for processing the legal action and for appeals procedures?  
• Are any complaints being dismissed due to lack of standing? If so, what complainants are involved? |

### The Election Calendar and Enjoyment of Rights

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATION QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
</table>
| The electoral calendar included adequate time for the state to give effect to rights and to implement all parts of the electoral process, including the electoral dispute resolution processes. | • Is there sufficient time included in the electoral calendar to allow for electoral dispute resolution processes? How much time does the calendar include for these processes?  
• Do extremely short deadlines make complaints difficult to file or to adjudicate? |

### Freedom From Discrimination and Electoral Dispute Resolution

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>ILLUSTRATION QUESTIONS FOR DATA COLLECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>The electoral dispute resolution process did not discriminate on the basis of prohibited grounds.</td>
<td>• Are there any complaints of unequal treatment during electoral dispute resolution processes? If so, by whom? Is there a pattern of unequal treatment concerning certain groups?</td>
</tr>
</tbody>
</table>
| Everyone was treated equally before the law and courts. | • Is everyone treated equally in any laws, regulations, etc. that contain provisions on electoral dispute resolution?  
• Does everyone have equal access to electoral dispute resolution?  
• Are there any fees to access the electoral dispute resolution process?  
• Is information on electoral dispute resolution available to everyone? Is it provided in languages and formats that are easily understandable by all? If not, are certain groups disproportionately affected?  
• Is the principle of “equality of arms” respected? |
## Transparent Dispute Resolution Processes

<table>
<thead>
<tr>
<th>Transparency and Access to Information</th>
<th>• Are any restrictions placed on the ability of citizens to access information regarding dispute resolution processes? Do the restrictions align with international obligations?</th>
</tr>
</thead>
</table>
| The judgments, findings, and evidence of judicial proceedings, and legal reasoning for judgments, were made public. | • Must electoral complaint proceedings be open to the complainant and the public?  
• Are written complaints and answers to them part of a public record?  
• Must decisions on electoral complaints and appeals provide reasons for the decisions?  
• Must decisions on electoral complaints and appeals be in writing? |
| The state proactively put in the public domain government information of public interest. | • Are decisions published? Where? How long after they were made? Are they easily accessible by all citizens?  
• Is any other information about judicial proceedings made public? What? Where? |
| Potential complainants were informed of the means of filing a complaint and the time frame of its resolution. | • How are potential complainants informed of electoral dispute resolution process? Is information provided in multiple languages? Are any groups not informed?  
• Is there confusion about the electoral dispute resolution process? If so, does the confusion relate to only specific processes (i.e., filing a complaint or timing of a resolution) or the process as a whole? |
| Parties to the complaints had access to factual information regarding the alleged violations. | • Are all parties provided with/or have access to information regarding alleged violations? Is all information accurate? |
| Complaints processes were transparent, and the opportunity to present evidence in support of a complaint existed. | • Are electoral dispute resolution procedures clear and transparent? Are procedures complex or vague? Is it unclear to which body complainants should appeal?  
• Must electoral complaint proceedings be open to the parties in dispute and the public?  
• Do procedures include the right of the complainant to present evidence? Is that right protected in practice? |
<table>
<thead>
<tr>
<th>Right to a Fair and Public Hearing by a Fair and Impartial Independent Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right to a Fair and Public Hearing</strong></td>
</tr>
<tr>
<td>The legal framework provided the right for a fair and public hearing by a competent, impartial, and independent tribunal in the determination of rights.</td>
</tr>
<tr>
<td>• Are electoral dispute claims heard by a competent and independent judicial, administrative, or legislative body? Are all matters concerning violations of fundamental rights provided judicial review?</td>
</tr>
<tr>
<td>• Are there any limitations on the right to a fair and public hearing? What are they, and are they reasonable and objective?</td>
</tr>
<tr>
<td>• Is the tribunal resolving electoral disputes independent? Is it perceived to be so?</td>
</tr>
<tr>
<td>• Are decisions on complaints or appeals taken impartially? Do the decisions appear to be reasonable, based on the available evidence?</td>
</tr>
<tr>
<td>• In cases of alleged criminal acts, are decisions to prosecute taken impartially? Do the decisions appear to be reasonable, based on the available evidence?</td>
</tr>
<tr>
<td>• Are there particular courts charged with processing electoral related cases? If so, how are the judges appointed or selected?</td>
</tr>
<tr>
<td><strong>Right to an Effective Remedy Including Challenging Results</strong></td>
</tr>
<tr>
<td>The state took the steps necessary to give effect to rights during the electoral process, including through the dispute resolution process.</td>
</tr>
<tr>
<td>• Does the EMB have an internal process by which it can identify actions by electoral officials or other governmental officials that violate electoral-related rights? If so, do the procedures provide administrative penalties for those officials who are determined to be responsible?</td>
</tr>
<tr>
<td>An effective and timely remedy was available for all citizens for violations of their rights throughout the electoral process.</td>
</tr>
<tr>
<td>• Are all hearings conducted in a timely manner? What is the time frame in which hearings are conducted?</td>
</tr>
<tr>
<td>• What remedies are granted? Are they provided within a realistic time frame? Are they enforced?</td>
</tr>
<tr>
<td>A remedy was available for violations of the right to a fair and public hearing.</td>
</tr>
<tr>
<td>• In cases where the right to a fair and public hearing is violated, was an effective (timely and enforceable) remedy available?</td>
</tr>
<tr>
<td>The state acted to investigate and address violations of rights. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.</td>
</tr>
<tr>
<td>• Is the state providing redress for electoral-related complaints, including effective remedies and accountability for violators of electoral rights?</td>
</tr>
<tr>
<td>• Is the state taking measures to prevent violations of rights?</td>
</tr>
<tr>
<td>• Once identified, are states taking measures to cease rights violations? If so, what are the measures?</td>
</tr>
<tr>
<td>• Are rights violators being penalized? How?</td>
</tr>
<tr>
<td>• Has the state taken any steps to address allegations of fraud? If so, are these steps effective?</td>
</tr>
</tbody>
</table>

(continues)
### Right to an Effective Remedy Including Challenging Results (Continued)

<table>
<thead>
<tr>
<th>Right to a Fair and Public Hearing</th>
<th>The ability to challenge the results of the election was provided by law and was available to complainants as appropriate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to an Effective Remedy</td>
<td>• Is it clear when a recount or re-election may be ordered?</td>
</tr>
<tr>
<td>State Must Take Necessary Steps to Give Effect to Rights</td>
<td>• What body has jurisdiction concerning recounts and re-elections? Are clear procedures set forth concerning standing, burdens of proof, rules of evidence, and timelines for processing such legal challenges, recounts, and re-elections?</td>
</tr>
<tr>
<td></td>
<td>• Can election commissions refuse to perform recounts? Are any requests for recounts being denied?</td>
</tr>
<tr>
<td></td>
<td>• Are procedures for recounts and re-elections open and accessible to election stakeholders (e.g., candidates, parties, citizen observer groups, the media, international observers)?</td>
</tr>
<tr>
<td>“Forum shopping” was discouraged.</td>
<td>• Is there a right of appeal to a court?</td>
</tr>
<tr>
<td></td>
<td>• Are there clear procedures for appeals of decisions by administrative, judicial, or legislative bodies concerning electoral-related complaints?</td>
</tr>
<tr>
<td></td>
<td>• Are appellants and authorities able to choose the appeal body?</td>
</tr>
</tbody>
</table>

### Safety, Security, and Electoral Dispute Resolution

<table>
<thead>
<tr>
<th>Right to Security of the Person</th>
<th>Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Have there been any arbitrary arrests or detention of electoral stakeholders? If yes, who has been arrested? Are certain parties or groups of people particularly affected?</td>
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<td>• Are there any reports of coercion? Of intimidation? If so, who do they affect?</td>
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<tr>
<td>Law enforcement bodies were neutral in their work.</td>
<td>• Have there been any reports of bias among law enforcement? If so, are specific parties or groups of people particularly affected?</td>
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</table>
Appendix D

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<tr>
<th>Acronym</th>
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<tr>
<td>ACDEG</td>
<td>African Charter on Democracy, Elections, and Governance</td>
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<td>ACHR</td>
<td>American Convention on Human Rights</td>
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<td>ACJ</td>
<td>Arab Court of Justice</td>
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<td>AfCHPR</td>
<td>African Court on Human and Peoples’ Rights</td>
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<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<td>Committee on the Elimination of Racial Discrimination</td>
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<td>CESCR</td>
<td>Committee on Economic, Social, and Cultural Rights</td>
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<td>CIS</td>
<td>Commonwealth of Independent States</td>
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<td>CMW</td>
<td>Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</td>
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<td>CoE</td>
<td>Council of Europe</td>
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<td>CRPD</td>
<td>Convention on the Rights of People With Disabilities</td>
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<td>DES</td>
<td>Democratic Election Standards</td>
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<td>ECF</td>
<td>Electoral Commissions Forum of Southern African Development Community (SADC) Countries</td>
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<td>ECHR</td>
<td>Convention for the Protection of Human Rights and Fundamental Freedoms</td>
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<td>ICERD</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>Internally Displaced People</td>
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<td>IPU</td>
<td>Inter-Parliamentary Union</td>
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<td>LAS</td>
<td>League of Arab States</td>
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<td>OSCE</td>
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<td>United Nations General Assembly</td>
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Acknowledgments

The Carter Center would like to recognize the many people who have contributed in one way or another to this publication since its first draft in 2009. This handbook, as well as the Election Observations and Standards (EOS) database, is the fruit of many hours of discussion and debate regarding public international law for elections among Jessie Pilgrim, Michael Boda, Avery Davis-Roberts, Amber Charles, David Carroll, and David Pottie. Without the work and commitment of each of these individuals, the EOS database and this handbook would not have been possible.

Throughout the development of the EOS database and handbook, many other people gave their time and provided thoughts and comments that were instrumental to the shape and content of this work. While many of them participated as representatives of their organizations (including UNEAD, the European Commission, the OAS, OSCE/ODIHR, NDI, IFES, EISA, IDEA, DRI, DI, and others), we are grateful for the wealth of personal experience each brought to our discussions. In this light, we offer sincere thanks to Adhy Aman, Zsolt Bartfai, Ingrid van Biezen, Eric Bjornlund, Julia Brothers, Andy Bruce, Kevin Casas Zamora, Richard Chambers, Chris Child, Sandra Coliver, Anders Erikson, Dan Finn, Guy Goodwin-Gill, Ron Gould, Laura Grace, Steven Griner, John Hardin Young, Denis Kadima, Giovana Maiola, Toby Mendel, Patrick Merloe, Nils Meyer-Ohlendorf, Gerald Mitchell, Rebeca Omâna, Hannah Roberts, Holly Ruthrauff, Evan Smith, Bruno Speck, Mark Stevens, Jonathan Stonestreet, Marku Suksi, Ilona Tip, Chad Vickery, and Marcin Walecki.

In addition, we would like to thank the many people who provided thoughtful comments on earlier drafts of this handbook over the course of the past year, including Julie Ballington, Don Bisson, Meghan Fenzel, Jerry Fowler, Andrew Hyslop, Craig Jenness, Sarah Johnson, Brett Lacy, Richard Lappin, Beata Martin-Rozumilowicz, Rushdi Nackerdien, Gilles Saphy, and Connie Moon Sehat. Special thanks go to Gerald Neuman and Nigel Rodley for their keen interest and for bringing to bear their expertise in international human rights law.

Throughout the drafting of the manual, we have worked in close collaboration with International IDEA. This partnership has strengthened our work, for which we are grateful. We would also like to extend personal thanks to Martina Garbuglia, Leandro Nagore, Domenico Tuccinardi, and Manual Wally of the IDEA team for the spirited but good-humored debate as we worked on our parallel publications.

The Carter Center is grateful for the support and partnership of: Mr. and Mrs. Shawn M. Aebi, Mr. and Mrs. Gaby Ajram/Ajram Family Foundation, Canadian International Development Agency, Dr. Peter B. Danzig and Ms. Lava Thomas, Mr. Carroll J. Haas, Sr./Carroll J. Haas Foundation, John C. and Karyl Kay Hughes Foundation, the government of Ireland/Irish Aid, Sonja and Tom Koenig and family, Mr. and Mrs. Lembhard G. Howell, Mr. Michael Nelson
Acknowledgments

and Ms. Louise Durocher, Mr. Steven E. Nothern, Ms. Cherida C. Smith, Mr. and Mrs. James N. Stanard, and The Willow Springs Foundation.

Avery Davis-Roberts and Amber Charles wrote an early draft of this handbook, then titled “Narrative of Obligations.” Avery Davis-Roberts and Elizabeth Plachta are the principal authors of this edition, with significant contributions made by Chloe Bordewich. Eli Lewien gave both logistical and emotional support throughout the process. David Carroll provided leadership, guidance, and detailed comments throughout the process. Ryan Nix worked diligently to make the graphics included in this manual match our vision. Chris Olson Becker in the Center’s Office of Public Information oversaw the production process with great patience.
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