



SUMMARY OF ELECTION OBLIGATIONS AND STANDARDS

THE
CARTER CENTER



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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. Please visit www.cartercenter.org to learn more about The Carter Center.

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Introduction

This document presents a summary overview of the Carter Center's Election Obligations and Standards (EOS) database and handbook, which use publicly available resources to link key parts of the electoral process to human rights obligations and commitments in public international law.

Public international law is the system of laws governing interactions between states. As such, it creates a framework of commonly recognized norms and standards for democratic elections that states have accepted and voluntarily obligated themselves to, through the signature and ratification of treaties and their membership in the community of states. The Carter Center's EOS documents use a public international framework to provide a comprehensive tool for reviewing and assessing key election issues.

The EOS framework can be envisioned as a two-dimensional system, with 21 fundamental rights, standards, and obligations on one side (see Chart 1) and 10 categories or "parts" of the electoral cycle on the other (see Chart 2). Using this system, the EOS database categorizes public international law content drawn from roughly 300 source documents and with more than 400 assessment criteria that analysts can use in their work. See Chart 3 for the intersection of these obligations with 10 parts of the electoral cycle.

The information provided in this EOS summary is organized according to these 10 categories or parts of the election process. Each of the 10 sections begins with a brief introduction and overview of key issues and related obligations (in black). This is followed by the relevant assessment criteria with text colored based on the level of the source, as follows:

Green is used for international and regional treaties

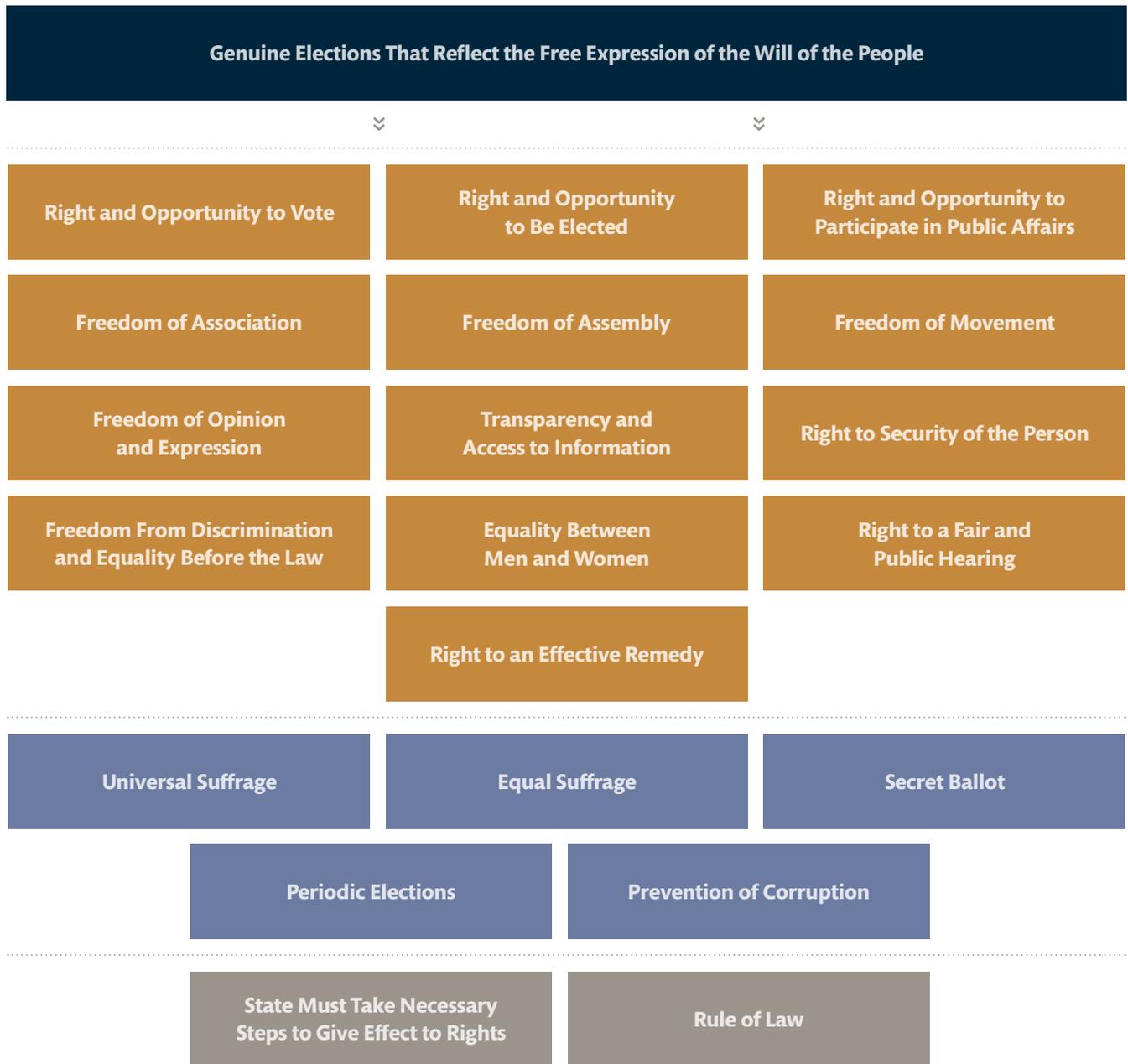
Blue is used for political commitments—such as declarations and other commitments that indicate state practice or customary law

Gold is used for interpretive documents, such as the interpretation of treaty obligations by international courts or treaty monitoring mechanisms.

It is important to underscore that the EOS sources summarized here provide clear evidence of the development of broad international consensus on a fundamental point: that genuine democratic elections are essential for establishing the legitimate authority of governments. When election observers and democracy supporters ground their work firmly in these and related tools, they are better able to shape public perceptions about the democratic quality and overall legitimacy of electoral processes. In addition, they can provide an agenda for reforms to ensure the credibility of future elections.

The Carter Center began working on the EOS initiative in 2006. In close coordination with other international organizations, the Center fostered debate and discussion on the strengths and weaknesses of public international law as a means of assessing the quality of electoral processes. The Center's work on EOS helps demonstrate that there is broad public recognition of a coherent body of public international law on elections that outlines a set of generally accepted election norms, standards, and obligations.

Chart 1: Obligations for Democratic Elections



- Macro-Level Obligation
- Individual Rights and Freedoms
- Process-Focused Obligations
- Foundational Obligations

Chart 3: Relevant Obligations

	LEGAL FRAMEWORK	ELECTORAL SYSTEM AND BOUNDARY DELIMITATION	ELECTION MANAGEMENT	VOTER REGISTRATION	VOTER EDUCATION	CANDIDACY AND CAMPAIGNING	THE MEDIA	VOTING OPERATIONS	VOTE COUNTING AND TABULATION	ELECTORAL DISPUTE RESOLUTION
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 Assembly	●					●				
Freedom of Movement			●	●		●	●	●	●	
Freedom of Opinion and Expression						●	●			
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	●	●	●	●	●	●	●	●	●	●
Universal Suffrage				●	●			●	●	
Equal Suffrage		●		●	●			●	●	
Secret Ballot					●			●	●	
Periodic Elections	●	●	●	●	●	●		●	●	●
Prevention of Corruption	●		●	●		●	●	●	●	●
State Must Take Necessary Steps to Give Effect to Rights	●	●	●	●	●	●	●	●	●	●
Rule of Law	●	●	●	●	●	●	●	●	●	●



Summary of Issues and Assessment Criteria

Legal Framework

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 instituted 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.

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.

International Human Rights Obligations in the Legal Framework – Necessary Steps to Rights and Rule of Law

- The legal framework for elections included the protection of fundamental rights and made international obligations domestically binding.¹
- Any restrictions placed on fundamental rights were reasonable and objective.²
- Key aspects of the election process were enshrined in law at the highest level (e.g., the electoral system was enshrined in the constitution).³
- Participatory rights were protected at the highest level of the law (the constitution).⁴

Derogation of Obligations – Period Elections, Necessary Steps to Rights, and Rule of Law

- When derogating obligations or restricting human rights, the least restrictive measures were taken, and no limitations were placed on nonderogable rights.⁵
- Prior to the derogation of human rights and electoral obligations, a state of emergency was publicly announced.⁶
- Any restrictions on rights were justified by law and subject to review.⁷

Rule of Law and the Legal Framework – Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.⁸
- The legal framework for elections was stable.⁹
- The laws regulating elections were equally enforced and were not arbitrarily applied.¹⁰
- Sanctions for violations of the electoral law were proportionate, appropriate, and effectively enforced.¹¹

Establishment, Regulation of, and Membership in Political Parties/Internal Party Policies – Freedom of Association

- Regulations and deadlines for legal recognition of political parties were clearly specified. Registration requirements were not so stringent that they jeopardized freedom of association.¹²

State Authorities Responsible for Upholding Rights – Freedom of Association and Necessary Steps to Rights

- All branches and agencies of the government, including those responsible for administering election processes, are responsible for protecting human rights.¹³
- Citizens were able to participate in public affairs through nongovernmental organizations.¹⁴

Independence and Impartiality of the Electoral Management Body – Prevention of Corruption

- Steps were taken to institutionalize efficient and effective public administration.¹⁵

Authority and Responsibility of the Electoral Management Body in Interpreting the Law – Rule of Law

- The role of the electoral management body in interpreting and administering the election law was clearly defined in the legal framework.¹⁶

Regularity of Elections – Periodic Election and Necessary Steps to Rights

- Elections have been held periodically.¹⁷
- The period between elections was not unduly long.¹⁸

Postponement of Elections – Periodic Election

- The legal framework only allowed for temporary postponement of the election in times of declared state of emergency.¹⁹

Election Calendar and the Enjoyment of Rights – Periodic Election and Necessary Steps to Rights

- 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.²⁰
- The legal framework provided for regular elections and required that elections be held within a reasonable time period after they are called.²¹
- The legislative calendar related to the development of electoral laws was published well in advance of deadlines.²²

Freedom From Discrimination in the Legal Framework – Freedom From Discrimination and Equality Between Men and Women

- The legal framework for elections did not discriminate on the basis of prohibited grounds.²³
- Minorities were able to use their own languages.²⁴

- The legal framework for elections included guarantees of equality before the law.²⁵
- The legal framework provided equal access to any place or service intended for use by the public.²⁶

Universal Suffrage, the Right to Vote, and Voter Education/The Right to Vote, and Voting Operations – Right to Vote and Right to Participate

- The legal framework for elections was consistent with international human rights.²⁷

Citizenship – Freedom From Discrimination and Equality Between Men and Women

- The rules regarding citizenship were clear and non-discriminatory.²⁸
- Citizenship rules did not discriminate directly or indirectly against women.²⁹

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.³⁰
- The state took steps to ensure de facto equality between men and women.³¹

Special Measures – Freedom From Discrimination and Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.³²
- Special measures were taken, as necessary, to promote equality for minorities.³³
- Special measures were taken to ensure de facto equality for people with disabilities.³⁴

The Right to an Effective Remedy, Including Challenging Election Results – Right to Remedy and Rule of Law

- The legal framework provided citizens with an effective (timely and enforceable) remedy throughout the electoral process.³⁵
- The legal framework for elections included the right to challenge the election results as necessary.³⁶

Electoral System and Boundary Delimitation

The electoral system and boundary delimitation process are 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 Legal Framework for Electoral Systems and Boundary Delimitation – Right to Participate, Necessary Steps to Rights and Rule of Law

- [The principles of rule of law were promoted.](#)³⁷
- [The laws regulating elections were equally enforced and were not arbitrarily applied.](#)³⁸
- [The legal framework for elections was consistent with international human rights.](#)³⁹

Oversight of Boundary Delimitation – Freedom From Discrimination and Necessary Steps to Rights

- [The state took the steps necessary to give effect to rights regarding the boundary delimitation process through effective oversight mechanisms.](#)⁴⁰

The Election Calendar and Enjoyment of Rights – Periodic Elections

- The election calendar provided sufficient time for a review of the boundaries to take place as necessary.⁴¹

Choice of the Electoral System – Freedom From Discrimination, Necessary Steps to Rights and Rule of Law

- The electoral system allowed multiparty participation and actual and equal representation.⁴²
- The legal framework defined the formulas to be used to convert votes into mandates.⁴³
- The electoral system did not discriminate against citizens on grounds prohibited by international law.⁴⁴
- The electoral system was enshrined in law at the highest level (e.g., the constitution).⁴⁵

Freedom From Discrimination in the Electoral System, Boundary Delimitation Process, and Electoral Dispute Resolution – Freedom From Discrimination and Equality Between Men and Women

- The electoral system did not discriminate against citizens on grounds prohibited by international law.⁴⁶

Criteria for Boundary Apportionment – Equal Suffrage

- Each vote was of equal weight.⁴⁷

- Where variances occurred between the numbers of voters in various constituencies, they were small.⁴⁸

- 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.⁴⁹

Citizen Participation in the Boundary Delimitation Process – Right to Participate

- The right to participate in public affairs was protected, including during the boundary delimitation process.⁵⁰
- The boundary delimitation process was subject to independent scrutiny by civil society, candidates, and political parties or other groups.⁵¹

Special Measures – Freedom From Discrimination and Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.⁵²
- Special measures were taken, as necessary, to promote equality for minorities.⁵³
- Special measures were taken to ensure de facto equality for people with disabilities.⁵⁴

Right to an Effective Remedy – Right to Remedy

- There was an effective means of seeking redress for violations concerning boundary delimitation and the electoral system.⁵⁵

Election Management

An 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 Legal Framework and Election Management – Necessary Steps to Rights and Rule of Law

- The electoral management body acted in conformity with the law.⁵⁶
- The laws regulating elections were equally enforced and not arbitrarily applied.⁵⁷
- The legal framework for elections was consistent with international human rights.⁵⁸
- The authority of the EMB was recognized by key stakeholders.⁵⁹

The Election Calendar and the Enjoyment of Rights – Periodic Elections and Necessary Steps to Rights

- An electoral management body implemented elections with adequate time to implement all parts of the electoral process.⁶⁰

Electoral Management Body Responsibility for Protection of Rights – Necessary Steps to Rights

- The electoral management body took steps to implement an electoral process that fulfilled and protected human rights.⁶¹
- Steps were taken to institutionalize efficient and effective public administration.⁶²

Independence and Impartiality of the Electoral Management Body – Freedom From Discrimination, Prevention of Corruption, and Necessary Steps to Rights

- There was an independent and impartial electoral management body.⁶³
- The electoral management body acted impartially in the administration of the election.⁶⁴
- The electoral management body had sufficient resources to implement all phases of the election process.⁶⁵

State Authorities Responsible for Upholding Rights – Access to Information

- An independent, duly-resourced body oversaw compliance with data protection principles.⁶⁶

Recruitment of Electoral Management Body Staff – Freedom From Discrimination, Prevention of Corruption, Necessary Steps to Rights, and Rule of Law

- The recruitment and appointment of electoral management body staff were transparent, efficient, and equitable and instilled public confidence in the body.⁶⁷
- The appointment to and membership of the electoral management body were regulated by law.⁶⁸

Training of EMB Staff – Necessary Steps to Rights

- Electoral management body personnel received training on the electoral process and international obligations.⁶⁹

Provision of Voter Education by the Electoral Management Body – Access to Information

- The state took the steps necessary to give effect to rights during voter education.⁷⁰

Access to Information and Electoral Management Body Documents – Access to Information and Equality Between Men and Women

- The electoral management body provided citizens with access to information throughout the electoral process.⁷¹
- The state proactively put in the public domain government information of public interest, including electoral information.⁷²
- The state took steps to ensure de facto equality between men and women.⁷³

Transparency in Electoral Management Body Decision Making and Procurement – Access to Information, Right to Participate and 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.⁷⁴

Anticorruption Policies within the EMB – Prevention of Corruption

- The electoral management body, as an organ of the state, implemented effective policies to discourage acts of corruption.⁷⁵

Freedom From Discrimination and the Election Management Body – Freedom From Discrimination and Equality Between Men and Women

- The electoral management body treated all citizens equally.⁷⁶

Access to Electoral Information – Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.⁷⁷

Special Measures – Freedom From Discrimination, Equality Between Men and Women, and Necessary Steps to Rights

- The state took steps to ensure de facto equality between men and women.⁷⁸
- Special measures were taken, as necessary, to promote equality for minorities.⁷⁹
- Special measures were taken to ensure de facto equality for people with disabilities.⁸⁰
- The electoral management body included women.⁸¹

Safety, Security, and the Election Management Body – Right to Security

- The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.⁸²

Freedom of Movement for EMB Personnel – 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.⁸³

Right to Effective Remedy for Election Management Body Actions – Right to Remedy

- An effective (timely and enforceable) remedy was available for all violations of fundamental rights.⁸⁴

Hearings by Impartial and Independent Tribunals – Right to Hearing

- Citizens were granted a fair and public hearing by a competent, impartial, and independent tribunal in the determination of their rights.⁸⁵
- The tribunal was protected from political influence (e.g., appointment processes, term limits, security, and remuneration).⁸⁶
- The proceedings of any complaints were transparent, and all parties to the complaint were given an equal opportunity to present evidence.⁸⁷
- “Forum shopping” was discouraged.⁸⁸

Protection of Personal Data – Access to Information

- Citizens who offered proof of identity had the right to rectify inaccurate information about themselves.⁸⁹
- Personal data collected was not used for other purposes.⁹⁰
- Personal data could be collected and processed based on informed consent.⁹¹
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.⁹²
- An independent, duly resourced body oversaw compliance with data protection principles.⁹³
- Everyone had the right to know whether information about themselves was processed and to obtain such information in an accessible format.⁹⁴
- Personal data controllers provided clear and accessible information about their data collection and processing policies and practices.⁹⁵

Voter Registration

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 Legal Framework and Voter Registration – Right to Vote, Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.⁹⁶
- The laws regulating elections were equally enforced and were not arbitrarily applied.⁹⁷
- The legal framework for elections was consistent with international human rights.⁹⁸
- Voter registration procedures were clearly stipulated by law.⁹⁹

Voter Registration and the Fulfillment of Human Rights – Universal Suffrage, Periodic Elections, and Necessary Steps 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.¹⁰⁰

- There was adequate time for the voter registration process, including exhibition of preliminary lists and opportunities for challenges and corrections.¹⁰¹

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

- The right to vote was guaranteed by law and was subject only to reasonable and objective restrictions.¹⁰²

Citizenship – Freedom From Discrimination

- The rules regarding citizenship were clear and nondiscriminatory.¹⁰³

Voter Eligibility and Barriers to Registration – Right to Participate, Right to Vote, and Universal Suffrage

- Voter registration promoted universal suffrage.¹⁰⁴
- Limitations on universal suffrage imposed during the voter registration process were reasonable and objective.¹⁰⁵
- Voter registration promoted broad participation, and there were no barriers to participation by otherwise qualified eligible voters.¹⁰⁶

- Voters displaced in advance of election day had the possibility to return on election day to cast their ballots or were included in voter lists at a place of stay.¹⁰⁷

Freedom From Discrimination in the Voter Registration Process – Freedom From Discrimination and Right to Vote

- Eligibility requirements for voter registration were reasonable and objective and did not discriminate on the basis of prohibited grounds.¹⁰⁸
- Voter registration facilities were accessible to all.¹⁰⁹

Special Measures – Freedom From Discrimination and Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.¹¹⁰
- Special measures were taken, as necessary, to promote equality for minorities.¹¹¹

- Special measures were taken to ensure de facto equality for people with disabilities.¹¹²

Equal Access to Public Places – Right to Vote

- The legal framework provided equal access to any place or service intended for use by the public.¹¹³

Voter Registration in Minority Languages – Access to Information, Freedom From Discrimination, and Necessary Steps to Rights

- Linguistic minorities were able to use their own language, and voter registration procedures were available in minority languages.¹¹⁴

Accuracy of the List – Genuine Elections, Right to Vote, Universal Suffrage, Equal Suffrage, and Necessary Steps to Rights

- The voter list was accurate and up to date.¹¹⁵
- Voter registration processes prevented multiple registrations.¹¹⁶
- The state took steps to facilitate registration.¹¹⁷

Transparency in Creating and Maintaining the Voter List – Access to Information

- There was transparency in the creation and maintenance of the voter list.¹¹⁸

Correction of Voter Registration Data – Right to Remedy and Necessary Steps to Rights

- Citizens who offered proof of identity had the right to rectify inaccurate information about themselves.¹¹⁹
- Voter registration procedures allowed for claims (of unjustified exclusion) and objections (for incorrect inclusion).¹²⁰

Voter Access to Registration Information – Access to Information and Necessary Steps to Rights

- The state proactively put information regarding voter registration in the public domain.¹²¹
- Citizens had access to information regarding their inclusion on the voter list, and this information was provided to them in an intelligible format.¹²²
- Voters had the ability to correct errors in the voter list.¹²³
- 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.¹²⁴

Privacy and Voter Registration – Access to Information and Freedom From Discrimination

- Personal data collected was not used for other purposes.¹²⁵
- The voter list did not include information beyond that necessary to identify a voter and establish his or her eligibility.¹²⁶
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.¹²⁷

Protection of Personal Data – Access to Information

- Citizens who offered proof of identity had the right to rectify incorrect information about themselves.¹²⁸
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.¹²⁹
- Everyone had the right to know whether information about themselves was processed and to obtain it in an accessible format.¹³⁰
- Personal data controllers provided clear and accessible information about their data collection and processing policies and practices.¹³¹

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

- Freedom of movement was respected throughout the voter registration process.¹³²
- Citizens were able to return to the country (as necessary) to register to vote.¹³³
- Citizens displaced against their will had the opportunity to be considered residents in their former place of residence.¹³⁴

Transparency and Access to Electoral Documents – Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.¹³⁵

Transparency in Decision Making and Procurement in the Voter Registration Process – Prevention of Corruption

- The electoral management body promoted transparency in its decision-making and procurement processes, including with regard to voter registration processes.¹³⁶

Voter Education on Voter Registration – Right to Vote and Universal Suffrage

- Voter education campaigns included information regarding voter registration processes.¹³⁷
- Voter education campaigns included information about the voting and registration process.¹³⁸

Partisan and Nonpartisan Observation of the Voter Registration Process – Right to Participate and Access to Information

- Citizen observers were able to access and comment on all parts of the electoral process, including voter registration.¹³⁹
- International observers were accredited and were able to access and comment on all parts of the electoral process.¹⁴⁰
- Candidates and parties were able to monitor the elections and had access to the voter list without undue impediments.¹⁴¹

Voter Registration Activities by Civil Society – Freedom of Association

- Civil society organizations were permitted to conduct voter registration free from unreasonable restrictions.¹⁴²

Safety, Security, and Voter Registration – Right to Security

- The state prohibited interference with registration, intimidation, or coercion of potential voters.¹⁴³

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

- An effective remedy was available for all citizens for violations of their rights during the voter registration process.¹⁴⁴
- 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.¹⁴⁵

Voter Education

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, media, 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, but it also 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 Legal Framework and Voter Education – Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.¹⁴⁶
- The legal framework for elections was consistent with international human rights.¹⁴⁷
- The laws regulating elections were equally enforced and were not arbitrarily applied.¹⁴⁸

The Election Calendar and the Enjoyment of Rights – Periodic Elections and Necessary Steps to Rights

- The scheduling of elections granted sufficient time for a complete and comprehensive voter education program.¹⁴⁹

Universal Suffrage, the Right to Vote, and Voter Education – Right to Participate, Right to Vote, Universal Suffrage, and Necessary Steps to Rights

- The obligations of universal suffrage and the right to vote were advanced through voter education.¹⁵⁰
- All eligible voters were informed of their electoral rights before, during, and after election day.¹⁵¹
- Voter education campaigns were responsive to the needs of the electorate.¹⁵²
- The state took proactive measures to promote voting by the broadest pool of eligible voters and to ensure that votes cast were counted.¹⁵³

The Content of Voter Education Campaigns – Right to Participate, Access to Information, Prevention of Corruption, and Necessary Steps to Rights

- 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.¹⁵⁴
- Voter education campaigns included information on restrictions that may be applied to participatory rights.¹⁵⁵
- Voter education campaigns included information about the voting and registration process.¹⁵⁶

Provision of Voter Education by the Electoral Management Body – Necessary Steps to Rights

- The state took the steps necessary to give effect to rights during voter education.¹⁵⁷
- Voter education was provided by the EMB and was impartial and responsive to the needs of the electorate.¹⁵⁸

Provision of Voter Education by Civil Society and Political Parties – Right to Participate and Freedom of Association

- Civil society organizations participated in voter education.¹⁵⁹
- Political parties and/or candidates were permitted to provide voter education.¹⁶⁰

Freedom From Discrimination in Voter Education – Freedom From Discrimination and 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.¹⁶¹
- Locations used for voter education were accessible in a nondiscriminatory manner.¹⁶²
- Voter education materials facilitated voting by illiterate voters.¹⁶³

Special Measures – Freedom From Discrimination and Equality Between Men and Women

- The state took steps to ensure de facto equality Between men and women.¹⁶⁴
- Special measures were taken, as necessary, to promote equality for minorities.¹⁶⁵
- Special measures were taken to ensure de facto equality for people with disabilities.¹⁶⁶

- Voter education materials were available in all official languages as well as in minority languages.¹⁶⁷

Partisan and Nonpartisan Observation of Voter Education – Right to Participate

- Citizens were able to participate in public affairs through nongovernmental organizations.¹⁶⁸
- Observers, citizen and international, were given access to the voter education process.¹⁶⁹

Right to an Effective Remedy and Voter Education – Right to Remedy

- There was a timely and effective means of seeking redress for violations of rights, including regarding voter education.¹⁷⁰

Access to Information and Electoral Documents – Freedom From Discrimination and Necessary Steps to Rights

- The media took steps to reach all segments of society, including those who speak minority languages or live in rural areas.¹⁷¹
- The state took the steps necessary to give effect to rights during voter education.¹⁷²

Candidacy and Campaigning

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, but 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.

The Legal Framework and Candidacy and Campaigning – Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.¹⁷³
- The laws regulating elections were equally enforced and were not arbitrarily applied.¹⁷⁴
- The legal framework for elections was consistent with international human rights.¹⁷⁵
- Campaign finance regulation was consistent with the principles of the rule of law.¹⁷⁶

Establishment of, Regulation of, and Membership in Political Parties – Right To Be Elected, Freedom of Association, and Freedom From Discrimination

- Citizens were able to establish and participate in political parties and other associations.¹⁷⁷
- Political organizations were treated equally in being recognized and registering as a party.¹⁷⁸
- Individual electoral rights could be enjoyed in community with others.¹⁷⁹

- Regulations and deadlines for legal recognition of political parties were clearly specified. Registration requirements were not so stringent that they jeopardized freedom of association.¹⁸⁰
- The grounds for rejecting registration of a party were based on objective criteria.¹⁸¹

Internal Party Policies – Necessary Steps to Rights

- The participatory rights of citizens were protected and fulfilled by their parties in their internal management¹⁸²

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.¹⁸³

Candidature – Right to be Elected, Right to Participate, Freedom of Association, Freedom From Discrimination, and Rule of Law

- Every citizen had the right to be elected, subject only to reasonable restrictions.¹⁸⁴
- Candidacy requirements upheld freedom of association.¹⁸⁵
- The loss of the right to be elected was only imposed after adjudication by a court.¹⁸⁶
- Citizens were able to support any and all candidates of their choice.¹⁸⁷

Independent Candidacy – Freedom From Discrimination

- Regulations regarding candidacy were the same for independent and partisan actors.¹⁸⁸

Female Candidates – Equality Between Men and Women and Right to Security

- Female candidates participated in the electoral process on an equal basis with men.¹⁸⁹
- The state took steps to ensure de facto equality between men and women.¹⁹⁰

- 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.¹⁹¹
- Intimidation, coercion or violence against politically active women was prohibited in law and in practice.¹⁹²

Equal Treatment of Candidates and Parties – Freedom From Discrimination and Equality Between Men and Women

- Regulations for candidacy and campaigning were not discriminatory.¹⁹³
- No one suffered discrimination or disadvantage of any kind because of their candidacy.¹⁹⁴
- Candidates and political parties were able to compete with each other on an equal basis.¹⁹⁵

Campaign Silence Period – Freedom of Expression

- If a campaign silence period was imposed, it was reasonable in length.¹⁹⁶

Special Measures – Freedom From Discrimination and Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.¹⁹⁷
- Special measures were taken, as necessary, to promote equality for minorities.¹⁹⁸
- Special measures were taken to ensure de facto equality for people with disabilities.¹⁹⁹

Equal Access to Public Places – Freedom From Discrimination

- Public places were accessible to all in a nondiscriminatory fashion.²⁰⁰

Freedom of Opinion and Expression for Political Candidates and Their Supporters – Freedom of Expression

- Freedom of opinion and expression were protected throughout the campaign process.²⁰¹
- Political parties were able to communicate their opinions to the electorate.²⁰²

Advocacy of Hatred and Incitement to Violence – Freedom of Association and Freedom of Expression

- Advocacy of national, racial, and religious hatred that constituted incitements to discrimination, hostility, or violence was prohibited by law, and the law was enforced.²⁰³

Internet and Exercise of Rights Online – Freedom of Assembly

- Internet freedom and the exercise of human rights online were protected. Restrictions imposed were based in law, proportionate, and necessary in a democratic society.²⁰⁴

Campaigning Without Interference – Freedom of Assembly and Right to Participate

- 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.²⁰⁵
- Restrictions on the campaign activities were proportionate, nondiscriminatory, and subject to prompt independent and impartial judicial review.²⁰⁶
- Citizens were able to participate in public affairs through political parties and nongovernmental organizations.²⁰⁷

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

- Freedom of movement was respected for all electoral stakeholders, including candidates, parties, and their supporters during the campaign period.²⁰⁸

Observation of the Campaign Period – Right to Participate and Access to Information

- Citizens were able to participate in public affairs through political parties and nongovernmental organizations.²⁰⁹
- Election observers were able to observe the campaign process.²¹⁰
- International observers were accredited and were able to access and comment on all parts of the electoral process.²¹¹

Protection of Personal Data – Access to Information

- Personal data collected was not used for other purposes.²¹²
- Personal data could be collected and processed based on informed consent.²¹³
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.²¹⁴

Transparency and Access to Electoral Documents – Access to Information

- The right of access to information was protected for everyone.²¹⁵
- The state proactively put in the public domain government information of public interest.²¹⁶

Key: **Green** = International and regional treaties; **Blue** = Political commitments; **Gold** = Interpretive documents

Right to an Effective Remedy for Candidates and Parties – Right to Remedy

- There was a timely and effective means of seeking redress for violations of rights regarding candidacy and campaigning.²¹⁷

Security of the Person for Candidates, Parties, and Their Supporters – Right to Security and Necessary Steps to Rights

- The right to security of the person was enjoyed by all electoral stakeholders, including candidates, party members, and their supporters.²¹⁸
- The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.²¹⁹
- Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion / 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.²²⁰

Regulation of Campaign Contributions – Freedom of Expression and Prevention of Corruption

- There was a balanced and transparent system for political party financing.²²¹
- There were clear rules and regulations regarding the acceptable sources of financial donations.²²²
- The state regulated foreign funding of candidates and parties but did not limit contributions by nationals living abroad.²²³
- Candidates could contribute to their own campaigns, subject to reasonable limitations.²²⁴
- Reasonable limitations were imposed on private contributions.²²⁵

Public Funding for Election Campaigns – Right to be Elected and Equality Between Men and Women

- 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.²²⁶
- State support of candidates was available on an equitable basis and was distributed according to an objective, fair, and reasonable formula.²²⁷

Private Funding for Campaigns – Right to be Elected and Freedom of Expression

- Citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party.²²⁸
- The system for regulating private financial contributions ensured equality of freedom to raise private funds.²²⁹

Campaign Expenditures – Right to be Elected and Prevention of Corruption

- There were limits imposed on campaign expenditures.²³⁰
- All candidates were treated equitably with regard to campaign finance and expenditures.²³¹

Disclosure of Campaign Finances – Access to Information and Prevention of Corruption

- The funding received by a political party and/or candidate was disclosed in regular reports.²³²
- Disclosure provisions clearly identify what counts as campaign expenditure.²³³
- Campaign finance reporting requirements were realistic, and disclosure requirements struck a balance between transparency and the privacy of donors.²³⁴
- Limits on advertising spending (as political speech) were instituted only in the interests of promoting equality between candidates or parties.²³⁵

Misuse of State Resources – Right to Security and Prevention of Corruption

- There was a balanced and transparent system for political party financing.²³⁶
- Public resources were not abused in support of a particular party or candidate.²³⁷
- 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.²³⁸

Independent Body to Monitor Campaign Finances – Necessary Steps to Rights

- The state took steps to provide for independent monitoring of campaign and political financing.²³⁹

Sanctions for Campaign Finance Violations – Necessary Steps to Rights

- Violations of rules regarding political and campaign finance were subject to proportionate and effective sanctions.²⁴⁰

The Media

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 Legal Framework and the Media – Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.²⁴¹
- The laws regulating elections were equally enforced and were not arbitrarily applied.²⁴²
- The legal framework for elections was consistent with international human rights.²⁴³

International Human Rights Obligations and the Legal Framework – Freedom From Discrimination

- The legal framework for elections included the protection of fundamental rights and made international obligations domestically binding.²⁴⁴

Pluralistic and Balanced Media – Access to Information, Freedom From Discrimination and Freedom of Expression

- A pluralistic media promoted citizen access to information, and the media was free to play an impartial and objective role in covering electoral issues.²⁴⁵
- The structure of media ownership was transparent so that citizens could better understand potential biases in their information sources.²⁴⁶
- Space in the media existed for political debate.²⁴⁷

Independence of the Media – Freedom of Expression

- There were no restrictions on people who may practice journalism by the state, though journalists may have regulated themselves.²⁴⁸

- Editorial independence was protected, and the government did not abuse resources or influence to exert control over media content.²⁴⁹

- The media was able to express criticisms of the government.²⁵⁰

- The media was not held liable for the reproduction of untrue statements made by others.²⁵¹

Independent Body to Regulate Broadcasting During Elections – Necessary Steps 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.²⁵²
- 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.²⁵³

Freedom of Expression and the Media – Freedom of 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.²⁵⁴
- Free communication of information and ideas about public and political issues took place between citizens, candidates, and elected representatives.²⁵⁵
- 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.²⁵⁶
- Paid content in media and other information sources, including online, was clearly marked and distinguishable from editorial and user-generated content.²⁵⁷

The Content of Voter Education Campaigns – Freedom of Expression

- 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.²⁵⁸

Hate Speech and Incitement to Violence – Freedom of 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.²⁵⁹

Defamation – Freedom of Expression

- Claims of defamation were not used to stifle the media or public debate and were not used to silence criticism of the government or its institutions.²⁶⁰
- Remedies for defamation were not excessively punitive.²⁶¹

Opinion Polls – Freedom of Expression

- The release of opinion polls was subject only to reasonable restrictions.²⁶²

Campaign Silence Period – Freedom of Expression

- If there were a campaign silence period, it was of reasonable duration.²⁶³

Voter Education and Debates – Freedom of Expression

- The media aired debates between candidates and provided voter education.²⁶⁴

Access to Electoral Information – Access to Information and Freedom of Expression

- The right of access to information was respected throughout the electoral process, including as it relates to the media.²⁶⁵
- The state proactively put in the public domain government information of public interest.²⁶⁶
- Voters were able to form opinions independently, on the basis of information from a plurality of sources and free from any manipulative interference.²⁶⁷
- Protection of Sources – Access to Information
- The media was able to report on electoral issues, including from confidential sources, without government interference.²⁶⁸
- The media was given access to information, particularly with regard to allegations of corruption and related offenses.²⁶⁹

Freedom From Discrimination and the Media – Freedom From Discrimination and Equality Between Men and Women

- The regulation of the media promoted equality and absence of discrimination.²⁷⁰
- Political parties and candidates had access to the public media on a nondiscriminatory basis.²⁷¹
- Female and male candidates received equal coverage.²⁷²
- The media took steps to reach all segments of society, including those who speak minority languages or live in rural areas.²⁷³
- News coverage of incumbents in the public media was not abused so that it constituted additional free airtime or print coverage.²⁷⁴

Private Media Regulations – Freedom of Expression

- 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.²⁷⁵

Free Airtime and Paid Advertising – Freedom From Discrimination and Access to Information

- Free airtime was distributed equally (both amount of space and the timing and location of the media space).²⁷⁶
- Free airtime for candidates and parties was granted during peak viewing or listening hours.²⁷⁷
- 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.²⁷⁸
- Limits on advertising spending (as political speech) were instituted only in the interest of promoting equality between candidates or parties.²⁷⁹
- Paid content in media and other information sources, including online, was clearly marked and distinguishable from editorial and user-generated content.²⁸⁰

Internet and Exercise of Rights Online – Freedom of Assembly

- Internet freedom and the exercise of human rights online were protected. Restrictions imposed were based in law, proportionate, and necessary in a democratic society.²⁸¹
- Internet intermediaries were transparent and provided easy access to their policies and practice on online content management, distribution, and automated processing.²⁸²

Freedom of Movement and the Media – Freedom of Movement

- Freedom of movement was guaranteed to all electoral stakeholders, including the media.²⁸³

Safety, Security, and the Media – Right to Security

- Security of the person was guaranteed for all election stakeholders, including members of the media.²⁸⁴

Protection of Personal Data – Access to Information

- Personal data could be collected and processed based on informed consent.²⁸⁵
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.²⁸⁶
- Personal data controllers provided clear and accessible information about their data collection and processing policies and practices.²⁸⁷
- Internet intermediaries were transparent and provided easy access to their policies and practice on online content management, distribution, and automated processing.²⁸⁸

Disclosure of Campaign Finances – Prevention of Corruption

- Paid content in media and other information sources, including online, was clearly marked and distinguishable from editorial and user-generated content.²⁸⁹

Right to an Effective Remedy and the Media – Right to Remedy

- A system to file complaints related to the media was available for all citizens.²⁹⁰

Business and Protection of Human Rights – Access to Information and Freedom From Discrimination

- Personal data controllers provided clear and accessible information about their data collection and processing policies and practices.²⁹¹
- Internet intermediaries were transparent and provided easy access to their policies and practice on online content management, distribution, and automated processing.²⁹²
- Business enterprises embraced, in policy and practice, their international and/or national human rights obligations. Accessible and effective complaint and redress mechanisms were established to protect these rights.²⁹³

Voting Operations

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.

Legal Framework for Voting Operations – Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.²⁹⁴
- The laws regulating elections were equally enforced and were not arbitrarily applied.²⁹⁵
- The legal framework for elections was consistent with international human rights.²⁹⁶

Election Calendar and the Enjoyment of Rights – Periodic Elections

- The electoral calendar provided adequate time to prepare for and implement all aspects of the election process, including voting operations and election-day procedures.²⁹⁷

Freedom From Discrimination in the Legal Framework – Freedom From Discrimination

- Special measures were taken to ensure de facto equality for people with disabilities.²⁹⁸

Citizenship – Freedom From Discrimination

- The rules regarding citizenship were clear and nondiscriminatory.²⁹⁹

Special Measures – Freedom From Discrimination and Equality Between Men and Women

- The state took steps to ensure de facto equality between men and women.³⁰⁰
- Special measures were taken, as necessary, to promote equality for minorities.³⁰¹
- Special measures were taken to ensure de facto equality for people with disabilities.³⁰²

The Right to Vote and Voting Operations – Right to Vote and Freedom From Discrimination

- The right to vote was guaranteed by law and was subject only to reasonable and objective restrictions.³⁰³
- Any restrictions on the right to vote were established in advance of election day.³⁰⁴
- Poll workers were adequately trained in the determination of eligible voters.³⁰⁵

Facilitation of Voting – Right to Vote and Universal Suffrage

- Voting operations facilitated broad participation.³⁰⁶
- Sufficient resources, human and material, were available at each polling station.³⁰⁷
- There was an adequate number of polling places to accommodate voters.³⁰⁸
- Polling places were located in public places that were easy to access.³⁰⁹
- Polls opened on time and did not close early. People in line to vote at poll closing were able to cast their ballot.³¹⁰

Polling Places Accessible to Voters with Disabilities – Freedom From Discrimination and Right to Vote

- Polling places were accessible.³¹¹
- Voting operations facilitated broad participation.³¹²

Assisted Voting – Right to Vote and Secret Ballot

- Impartial assistance for voters unable to vote independently was provided.³¹³

- Voters were made aware of their right to impartial assistance, if needed.³¹⁴

Proxy Voting – Universal Suffrage and Secret Ballot

- Proxy voting, if allowed, was strictly regulated.³¹⁵

Secrecy of the Ballot – Secret Ballot

- The legal framework offered clear guidance with regard to the secrecy of the ballot.³¹⁶
- Family and group voting was prohibited.³¹⁷
- Polling stations were set up to ensure secrecy of the ballot.³¹⁸

Voting Technologies – Right to Vote and Necessary Steps to Rights

- Electronic voting technologies operated correctly, and their functioning was ensured by the state through an independent body.³¹⁹
- Voting technologies were usable by voters and secure from interference.³²⁰

Protection of Personal Data – Transparency and Access to Information

- Personal data collected was not used for other purposes.³²¹
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.³²²

Freedom From Discrimination in Voting Operations – Freedom From Discrimination

- The voting process did not discriminate against anyone on the basis of prohibited grounds.³²³

Ballot Design and Voter Choice – Right to Vote

- Voters were able to verify their choice on their ballot and could alter their choice before casting their ballot.³²⁴
- Ballots were understandable and user-friendly.³²⁵

Freedom of Movement and Voting Operations – Freedom of Movement

- Freedom of movement was respected throughout the electoral process.³²⁶
- Voters displaced in advance of election day had the possibility of returning on election day to cast their ballots or were included in voter lists at place of stay.³²⁷

Partisan and Nonpartisan Observation of Voting Operations – Right to be Elected, Right to Participate, Freedom of Association and Access to Information

- The state accredited citizen observer organizations and facilitated their ability to conduct their activities.³²⁸
- Candidates and their representatives were able to observe polling and counting as means of protecting their right to be elected.³²⁹
- Observers were able to access places used for voting.³³⁰
- Candidates and their representatives, as well as observers, were able to observe polling and counting.³³¹
- If electronic voting systems were used, there was an open and comprehensive audit.³³²

Election Observation – Access to Information

- Observers were able to access places used for voting.³³³
- International observers were accredited and were able to access and comment on all parts of the electoral process.³³⁴

Access to Information and Electoral Documents – Access to Information

- The right to access to information was respected throughout the voting process.³³⁵
- Documents regarding the electoral process, including voting operations, were publicly accessible and accurate.³³⁶

Deterrence of Fraud – Equal Suffrage and Secret Ballot

- Procedures did not diminish the value of the votes of particular individuals, groups, or geographic areas.³³⁷
- Safeguards were in place to prevent multiple voting and other forms of ballot fraud.³³⁸
- Safeguards were in place to prevent removal of evidence of how a voter voted from the polling station.³³⁹

Prevention of Corruption and Voting Operations – Prevention of Corruption

- The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption, including during the voting process.³⁴⁰

Training for Election Officials – Necessary Steps to Rights

- The state educated officials and citizens on the voting process.³⁴¹

Key: **Green** = International and regional treaties; **Blue** = Political commitments; **Gold** = Interpretive documents

Safety, Security, and Voting Operations – Right to Security

- Potential voters were able to vote without intimidation or coercion.³⁴²
- Safeguards were in place to prevent coercion of voters.³⁴³
- 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.³⁴⁴
- Election officials were able to maintain order at the polling station.³⁴⁵

- The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.³⁴⁶

Right to an Effective Remedy and Voting Operations – Right to Remedy and Necessary Steps to Rights

- The state provided an effective (timely and enforceable) remedy to all citizens for violations of their rights, including in the context of voting operations.³⁴⁷
- Steps were taken to prevent and punish fraud and electoral offenses.³⁴⁸

!!! Vote Counting and Tabulation

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.

Legal Framework and Vote Counting and Tabulation – Necessary Steps to Rights and Rule of Law

- The principles of rule of law were promoted.³⁴⁹
- The laws regulating elections were equally enforced and were not arbitrarily applied.³⁵⁰
- The legal framework for elections was consistent with international human rights.³⁵¹

The Election Calendar and Enjoyment of Rights – Periodic Elections and Necessary Steps to Rights

- 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.³⁵²

Counting Cast Ballots – Right to be Elected and Universal Suffrage

- The state took proactive measures to promote voting by the broadest pool of eligible voters and ensured votes cast were counted.³⁵³
- Vote counting and tabulation processes protected the right to be elected.³⁵⁴
- The vote counting and tabulation process did not discriminate against anyone on the basis of prohibited grounds.³⁵⁵

Determining Voter Intent – Necessary Steps to Rights

- The state took the steps necessary to give effect to rights during the vote counting process.³⁵⁶
- The intent of the voter was taken into consideration when determining ballot validity.³⁵⁷

Safeguards to Prevent Falsification of Ballots – Equal Suffrage

- Equal suffrage was respected throughout the electoral process, including vote counting, consistent with the concept of "one person, one vote."³⁵⁸
- 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.³⁵⁹

Prevention of Corruption in Vote Counting – Prevention of Corruption

- The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption including during the voting process.³⁶⁰

Transparency in the Reporting, Transmission, and Publishing of Election Results – Access to Information and Prevention of Corruption

- Access to information was guaranteed throughout the electoral process, including during the counting and tabulation process.³⁶¹
- The state proactively put in the public domain government information of public interest.³⁶²
- Votes were counted and reported honestly.³⁶³
- The counting process was verifiable, and the ballots preserved for later review.³⁶⁴
- Results were published in a timely manner, were publicly announced, and were posted at the counting station.³⁶⁵
- Tallies were transmitted to higher levels of tabulation in a transparent and open manner.³⁶⁶
- International observers were accredited and were able to access and comment on all parts of the electoral process.³⁶⁷

Partisan and Nonpartisan Observation of Vote Counting and Tabulation – Right to be Elected, Right to Participate, Freedom From Discrimination, Freedom of Association, Access to Information, Prevention of Corruption, and Necessary Steps to Rights

- Candidates and their representatives, as well as observers, were able to observe polling and counting.³⁶⁸
- The vote-counting process was transparent and observable.³⁶⁹
- Party agents and accredited observers were given copies of the protocols and tabulation sheets from the results center.³⁷⁰
- Observers were able to access places used for vote counting and tabulation.³⁷¹
- If electronic voting systems were used, there was an open and comprehensive audit.³⁷²

Protection of Ballot Secrecy – 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.³⁷³
- The legal framework offered clear guidance on secrecy of the ballot throughout the election.³⁷⁴

Safety, Security, and Vote Counting and Tabulation – Right to Security

- Vote counting took place in an environment free of intimidation.³⁷⁵
- 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.³⁷⁶

Freedom of Movement and Vote Counting and Tabulation – Freedom of Movement

- Freedom of movement was respected throughout the electoral process, including the immediate election period.³⁷⁷

Training of Polling and Counting Workers – Necessary Steps to Rights

- The state educated officials and citizens on the vote counting and tabulation process.³⁷⁸

Protection of Personal Data – Access to Information

- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.³⁷⁹

Election Observation – Access to Information

- Candidates and their representatives, as well as observers, were able to observe polling and counting.³⁸⁰
- The vote-counting process was transparent and observable.³⁸¹
- International observers were accredited and were able to access and comment on all parts of the electoral process.³⁸²

Access to Information and Electoral Management Body Documents – Right to Participate

- The electoral management body provided citizens with access to information throughout the electoral process.³⁸³

Right to an Effective Remedy and Vote Counting and Tabulation – Right to Remedy

- The right to remedy was protected throughout the process.³⁸⁴
- The right to challenge the election results was guaranteed by law.³⁸⁵
- There was impartial scrutiny of the counting and tabulation process, and it was subject to judicial review.³⁸⁶
- The legal framework provided clear guidance on the grounds for complaints and appeals as well as the processes for demanding a recount.³⁸⁷

Electoral Dispute Resolution

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 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 can 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 Legal Framework and Dispute Resolution – Necessary Steps to Rights and Rule of Law

- Electoral dispute resolution took place in accordance with the principles of the rule of law.³⁸⁸
- Laws and procedures were not arbitrarily applied.³⁸⁹
- The state implemented sanctions against those who violated the electoral law.³⁹⁰
- The law was clear regarding legal standing for electoral disputes.³⁹¹

The Election Calendar and Enjoyment of Rights – Periodic Elections and Necessary Steps to Rights

- 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.³⁹²

Freedom From Discrimination and Electoral Dispute Resolution – Freedom From Discrimination

- The electoral dispute resolution process did not discriminate on the basis of prohibited grounds.³⁹³
- Everyone was treated equally before the law and courts.³⁹⁴

Transparent Dispute Resolution Processes – Access to Information and Right to Hearing

- Transparency and access to information were respected during the dispute resolution process.³⁹⁵
- The judgments, findings, and evidence of judicial proceedings, and legal reasoning for judgments, were made public.³⁹⁶
- The state proactively put in the public domain government information of public interest.³⁹⁷
- Potential complainants were informed of the means of filing a complaint and the time frame of its resolution.³⁹⁸
- Parties to the complaints had access to factual information regarding the alleged violations.³⁹⁹
- Complaints processes were transparent, and the opportunity to present evidence in support of a complaint existed.⁴⁰⁰

Right to a Fair and Public Hearing by a Fair and Impartial Independent Tribunal – Right to Hearing and Necessary Steps 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.⁴⁰¹

Misuse of State Resources – Prevention of Corruption

- The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption, including during the voting process.⁴⁰²
- 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.⁴⁰³
- Sanctions for violations of the electoral law were proportionate, appropriate, and effectively enforced.⁴⁰⁴

Right to an Effective Remedy Including Challenging Results – Right to Hearing, Right to Remedy, and Necessary Steps to Rights

- The state took the steps necessary to give effect to rights during the electoral process, including through the dispute resolution process.⁴⁰⁵
- An effective and timely remedy was available for all citizens for violations of their rights throughout the electoral process.⁴⁰⁶
- A remedy was available for violations of the right to a fair and public hearing.⁴⁰⁷
- 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.⁴⁰⁸

- The ability to challenge the results of the election was provided by law and was available to complainants as appropriate.⁴⁰⁹
- “Forum shopping” was discouraged.⁴¹⁰

Right to an Effective Remedy and the Media – Right to Remedy

- A system to file complaints related to the media was available for all citizens.⁴¹¹
- The legal framework provided citizens with an effective (timely and enforceable) remedy throughout the electoral process.⁴¹²

Safety, Security, and Electoral Dispute Resolution – Right to Security and Necessary Steps to Rights

- Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion.⁴¹³
- Law enforcement bodies were neutral in their work.⁴¹⁴
- 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.⁴¹⁵

Business and Protection of Human Rights – Right to Remedy

- Business enterprises embraced, in policy and practice, their international and/or national human rights obligations. Accessible and effective complaint and redress mechanisms were established to protect these rights.⁴¹⁶

Endnotes

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