



Supplementary Human Dimension Meeting

DEMOCRATIC ELECTIONS AND ELECTION OBSERVATION

**12-13 July 2012
HOFBURG, VIENNA**

ANNOTATED AGENDA

In the 1990 Copenhagen Document, OSCE participating States agreed upon wide-ranging commitments for fostering the protection and promotion of human rights and fundamental freedoms, as well as the promotion of democratic institutions and the rule of law. They have also committed, on many occasions, to conducting genuinely democratic elections. Over the last two decades, OSCE has placed great emphasis on promoting democratic elections as a key pillar of sustainable security and stability.

ODIHR is mandated to assist participating States in the implementation of election-related commitments through long-term and short-term observation and to provide follow-up assistance in implementing recommendations. While election observation activities are the most visible aspect of ODIHR's election mandate, they are just one part of a much broader range of election-related activities aimed at fostering and strengthening democratic elections.

The OSCE Supplementary Human Dimension Meeting (SHDM) entitled "Democratic Elections and Election Observation" will focus on the following areas:

- Commitments for the conduct of democratic elections and evolving good practice;
- Ways to strengthen election observation methodology to better respond to the identified needs and challenges and to utilize the election observation cycle as a tool of maintaining dialogue to support OSCE participating States in the implementation of their commitments;
- Commitment of OSCE participating States to follow up on recommendations in OSCE/ODIHR Final Reports.

In particular, this SHDM will:

- Provide an overview on the implementation of election-related OSCE commitments and common challenges to the conduct of democratic elections;
- Identify legislative and practical arrangements promoting the exercise of universal suffrage and the honest counting and reporting of official results;
- Discuss the impact of international and domestic election observation and ways of further enhancing access for observers and utility of election efforts;
- Explore the presence of political will as a precondition for successful follow-up as well as elaborate on further possible follow-up activities and venues for reporting on follow-up efforts.

Day 1: 12 July 2012

15:00 – 16:00 Opening Session

16:00 – 18:00 SESSION I: Democratic elections in context of OSCE election-related commitments and their implementation (with focus on universal and equal suffrage rights: legislation and application)

In the 1990 OSCE Copenhagen Document, the OSCE participating States declared that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.” States have also undertaken a commitment to “respect the right of [...] citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes.”

The OSCE/ODIHR has been assessing elections in the OSCE region in line with these commitments and other standards for democratic elections since 1991. Assessments of electoral processes in different countries indicate that there is varied implementation of OSCE commitments by the participating States. Implementation of some commitments remains a challenge. Greater respect for international standards, particularly in certain areas, could contribute to the conduct of democratic elections in many participating States.

The commitment of OSCE participating States to “ensure that votes ... are counted and reported honestly with the official results made public” continues to be an element that presents a challenge in many electoral processes. Various new technologies have been proposed as potential, albeit partial, solutions to this problem. Nevertheless, applying traditional means such as clear and transparent procedures, adequate security measures, and respect for provisions in their implementation continues to be essential.

Universal and equal suffrage lies at the core of democratic elections. The OSCE participating States committed themselves to “guarantee universal and equal suffrage to adult citizens and respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. This includes the right to vote as well as the right to stand as a candidate for election. Suffrage rights of women, minorities and people with disabilities are additionally protected by several international conventions. The case law of the European Court of Human Rights addresses voting rights of people serving a prison sentence. International good practice provides that only certain restrictions of suffrage rights may be deemed justified, most commonly those related to age, residence and nationality, and in certain limited and individual cases, those declared mentally incapable by a court or serving prison terms for grave crimes. The OSCE/ODIHR notes varied approaches in this regard across the OSCE region. In addition, special voting options, such as postal voting, new voting technologies, or voting by proxy, that are available to voters in some states may have an impact on the exercise of voting rights. Accurate, inclusive and non-discriminatory voter registration is an essential basis to ensuring universal suffrage. A ‘Handbook for the Observation of Voter Registration’ has been developed by OSCE/ODIHR and is being launched at this event.

The OSCE participating States committed to ensure the right of citizens to stand as candidates, either individually or as representatives of political parties. In addition to certain reasonable and acceptable restrictions on the right to stand as a candidate, additional requirements are in place in many participating States with regard to candidate registration. These can include the collection of signatures to support the candidacy or monetary deposits. International good practice, while allowing for certain measures to avoid spurious candidacies, provides that registration requirements should not be unreasonable, discriminatory or present an additional burden to candidates and parties

in the registration process. Particular challenges are associated with the imposition of language tests or higher education requirements.

The extent to which universal and equal suffrage rights are respected and meaningful is also closely linked to the drawing of electoral district boundaries, as well as the process of counting votes and tabulating results.

The drawing of electoral district boundaries can affect the principle of equal suffrage because equality of the vote implies equal voting power and an even distribution of seats between constituencies based on objective criteria such as population size, number of registered voters as well as geographical and administrative criteria. Challenges can also, for example, arise in determining which bodies are empowered to draw up district boundaries and the criteria to be applied.

Questions for discussion include:

- What are the key OSCE commitments and other international standards for democratic elections as well as the existing and emerging good practices in electoral matters?
- What are the challenges to the implementation of commitments and ways for the OSCE/ODIHR to assist in the process?
- What legislative guarantees for universal suffrage and permissible restrictions exist?
- What are the existing challenges to ensuring voting rights of vulnerable groups, including of people with disabilities?
- What challenges exist to ensuring respect for the right to stand? What good practice exists in the process of selecting and registering candidates?
- How does boundary delimitation of electoral districts affect the equality of the vote? What challenges are participating States facing in ensuring equality of the vote?
- What are the practical arrangements impacting on the exercise of voting rights, including postal voting, new voting technologies and proxy voting?
- Which measures could increase the manner in which votes are honestly counted and reported, including the publication of official results?

Day 2: 13 July 2012

10:00 – 12:00 SESSION II: Election observation and the electoral cycle: before, during and after election day (with focus on legal framework, media, campaign finance, gender)

In the 1990 OSCE Copenhagen Document, the OSCE participating States agreed that “the presence of observers, both foreign and domestic, can enhance the electoral process.” In the 1994 Budapest Summit Declaration, the OSCE participating States tasked the OSCE/ODIHR to play “an enhanced role in election monitoring, before, during and after elections,” thus underscoring that an election is not a one-day event. Since 1997, the OSCE/ODIHR has employed a comprehensive observation methodology covering developments before, during and after electoral processes. As mandated by Decision 19/2006 adopted at the 2006 Brussels Ministerial Council the OSCE/ODIHR gives “utmost attention to the independence, impartiality and professionalism of ODIHR’s election observation”. These fundamental principles have also been enshrined in the 2005 Declaration of Principles for International Election Observation, endorsed at the United Nations by a number of international organizations active in the field of elections.

The 2006 Brussels Ministerial Council also tasked the OSCE/ODIHR to continue developing its methodology drawing on the experience of more than a decade of election observation. In the sixth

edition of the Election Observation Handbook, the OSCE/ODIHR has further clarified and defined the four types of election-related activities undertaken and emphasized needs-based and resource-conscious decision-making. The methodology also emphasizes the importance of a continuing dialogue with each participating State. It views election observation as a cycle, which starts with the assessment of needs, leads into observation and is followed by the presentation of the final report and a dialogue on the potential implementation of recommendations.

The methodology places an emphasis on a comprehensive assessment of the electoral environment. Analysis of the legal framework continues to form an integral part of every observation effort. In addition, the OSCE/ODIHR regularly undertakes comprehensive reviews of draft or final adopted electoral legislation and legal initiatives upon request from participating States. In line with the Budapest Summit Declaration, the OSCE/ODIHR continues to conduct media monitoring to assess the conditions for election-related coverage and access to media during the course of a campaign. A 'Handbook on Media Monitoring for Election Observation Missions' has also been developed, in line with the 1994 Budapest Summit Declaration, and is being launched at this event. With campaign financing continuing to emerge as an important aspect of an electoral process, the OSCE/ODIHR regularly deploys experts in political party and campaign financing and continues its work to develop a handbook on the observation of campaign finance in elections. In addition, the OSCE/ODIHR systematically reviews aspects related to the participation of women in an electoral process. Its Handbook for Monitoring Women's Participation in Elections has been available since 2004 and has been key in increasing professionalism and transparency and this area of election observation. It has also been used as a key foundational element by other organizations working in the field. The OSCE/ODIHR has also been actively implementing the OSCE Gender Action Plan, including through mainstreaming gender throughout the course of its election observation missions, an experience that is also being drawn upon more widely by practitioners in this field.

Questions for discussion include:

- What is the impact of international and domestic election observation?
- What are ways of further enhancing access of observers to electoral processes, and the utility of observation efforts?
- What role do parliamentarians have in observation activities?
- How can methodology be further developed to continue strengthening and systematizing assessments with regard to media monitoring, campaign finance, etc.?
- Which measures could enhance the OSCE/ODIHR's capacity-building activities, in particular in the areas of training of election observers, conduct of legal reviews of electoral legislation and assistance to participating States in the implementation of recommendations?
- What measures can be employed to improve the professionalism of observers, including by exploring training options together with other organizations and the possibility of e-learning tools in the future?
- What are the experiences in facilitating the participation of women in electoral activities and applying the OSCE Gender Action Plan, and how can their participation be enhanced?
- How could the regions outside the OSCE, especially the Mediterranean Partners for Cooperation countries, benefit from the OSCE/ODIHR observation methodology?

12:00 – 14:00 Lunch

**14:00 – 16:00 SESSION III: Follow-up to OSCE/ODIHR mission report
recommendations and engagement with participating States**

Election observation is not an end in itself, but is intended to assist OSCE participating States with the implementation of Human Dimension commitments, particularly of their election-related commitments. The utility of an election observation activity can only be maximized if the

recommendations it provides are given serious consideration and are implemented effectively. An effective follow-up process builds upon the impact and usefulness of election observation activities. It is an integral part of an electoral cycle and should start as soon as the final report with its recommendations has been published.

Successful follow-up to recommendations depends largely on the political will to improve the electoral process ahead of the next elections. The OSCE participating States repeatedly committed themselves to follow up on recommendations and emphasized the OSCE/ODIHR's role in assisting them (1999 Istanbul Summit, 2003 Maastricht Ministerial Council, 2005 Ljubljana Ministerial Council, 2006 Brussels Ministerial Council).

Participating States have been reporting back to the OSCE Permanent Council and the Human Dimension Committee on their efforts to follow up on the OSCE/ODIHR recommendations. Additionally, international election observation organizations that are signatories to the 'Declaration of Principles for International Election Observation' have strongly emphasized the importance of follow-up to recommendations, both by governments themselves and with the assistance of the international community.

The continuous commitment by the OSCE/ODIHR to support participating States' efforts to follow up on recommendations has been recently emphasized by the Irish Chairmanship of the OSCE at the Winter Meeting of the OSCE Parliamentary Assembly on 24 February 2012 in Vienna. The OSCE/ODIHR has embraced the practice of presenting final reports and the recommendations contained therein to all relevant stakeholders in States where elections were observed. This takes place shortly after the publication of the final report during a separate visit and comprises the start of the follow-up process. As appropriate and in consultation with other relevant actors, OSCE/ODIHR supports the efforts of participating States to follow up on recommendations by providing expertise and technical assistance, including in the fields of population registration, election dispute resolution, political party regulation and gender equality.

Questions for discussion include:

- What are the commitments and existing good practice regarding follow-up to recommendations?
- Which pre-conditions should exist for successful follow-up and importance of political willingness?
- What are possible follow-up activities, including legal reviews of (draft) legislation, expert consultations, and workshops?
- How can support to OSCE participating States be enhanced to enable sustainable follow-up to ODIHR recommendations?
- What are the experiences of participating States with presentations to the OSCE Permanent Council and Human Dimension Committee on follow-up efforts?
- What is the role of state authorities and institutions, OSCE field operations, the wider international community, and domestic civil society in promoting and facilitating follow-up?

16:00 – 16:30 Break

16:30 – 17:30 Closing Session
Reports by the Moderators of the Working Sessions

17:30 Closing of the meeting