

BENCHMARKS FOR ELECTORAL STANDARDS

A Guide for European Union Election Observation Missions



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1. Introduction

Election observation missions are tasked with assessing the conduct of an election in accordance with best practices and with reference to various international and regional standards for elections, which respective countries have voluntarily agreed to adhere to.

This guide brings together many of the key international and regional standards for elections as a reference tool for European Union Election Observation Missions (EUEOMs), in order to facilitate their understanding of the standards to which each country is obligated, either legally or politically, to adhere.

The term “international standards” for an election is often used as a reference point. However, it is important for an EUEOM to be aware of all the various commitments a state has entered into, in order that its conduct in the holding of an election can be fairly assessed.

This Handbook covers “International” and “Regional” standards, with a clear indication of which agreements and commitments are “legal obligations” and which are “political commitments”.

Given that the EU observes outside its area, unlike organisations such as the Organisation for Security and Co-operation in Europe (OSCE) – mainly observing in the OSCE region, except occasionally when it has conducted operations in partner countries, such as the Mediterranean region and Afghanistan – or the Organisation of American States (OAS) for example, reference to such standards is of vital importance in providing the framework for assessment. These standards are not being imposed by an EUEOM. They have been agreed to by the state, to be observed on behalf of its people, and it is a legitimate exercise for election observers to hold each state to such commitments.

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2. International Human Rights Norms and the Right to Participation

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2.1 Introduction

Before the Second World War, no comprehensive set of human rights existed at the international level. Rules concerning participation were confined to the sphere of national legislation and were in many cases provided for in a general manner in the constitutions of the countries existing at that time.

Following the Second World War, the conviction that such rights should be granted in a binding form at international level rather than at national level began to take hold. ‘The Charter of the United Nations (UN)’ adopted in 1945 mentioned the concept of human rights in a number of articles, but the content of human rights was not spelled out in that context. Instead, the UN charged a committee with the task of formulating the human rights for the purposes of adopting a ‘Bill of Human Rights’. This work led to the adoption by the UN General Assembly of the ‘Universal Declaration of Human Rights’ (hereinafter: Universal Declaration) in December 1948, an adoption that took place just before the so-called Cold War broke out. It is, of course, important to remember that the Universal Declaration is not a treaty about human rights, but formally speaking a non-binding resolution only. However, it contains at least a number of norms which have the status of customary international law. In addition, the Universal Declaration expresses a strong moral standard.

The adoption of the Universal Declaration marked the beginning of the development of participation as a human right. Participation – directly or through freely chosen representatives – is the norm to which a number of other substantive human rights are connected. Democracy, however, is not prescribed in the Universal Declaration, nor is it defined. As a matter of fact, democracy is not normally mentioned as a term in relation to participation in human rights documents.

Article 21 of the Universal Declaration

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

In the Universal Declaration, the right to participation is included in Article 21. Whilst the article does not make any distinction between individuals on the basis of, for instance, citizenship, the norm obviously presumes an organic link of some sort to a particular country, either on the basis of residence or citizenship.

In terms of ‘object’ of participation, that is, the levels of government, the article is mainly concerned with central government, rather than regional or local government. While the exact body in which everyone is entitled to participate is not specified, it could be the parliament or even the executive in those cases the executive is elected. However, it is clear that the judiciary is outside the scope of Article 21, because of the reference to government.

Participation in the government of a country should, according to Article 21, be either direct or through freely chosen representatives. It is easy to make a *prima facie* conclusion that such participation is determined either through a referendum or an election.

In Article 21(3), it is said that the will of the people shall be the basis of the authority of government. Hence the exercise of public powers is to be legitimised by the people. However, the sentence “the will of the people shall be the basis of the authority of government” does not really say very much about how the legitimacy of government is to be created. The minimum level of participation in government is defined after the semi-colon, where an explanation of how the will of the people shall be expressed is given with reference to a series of election elements.

The first element in Article 21(3) is that elections must indeed be held; otherwise the government does not ground its authority in the will of the people. The other election elements are periodic elections, genuine elections, universal suffrage, equal suffrage, and secrecy of the vote.

The requirement for *periodic elections* means that the legislation of the country should fix a certain period after which elections must take place. Nothing is said about the length of the period, although it should probably not be unduly

long, but limited to a maximum period of some 5–6 years. This element also contains the implicit need for a responsive and independent election administration or other structure to ensure the timely holding of the election.

The element of *genuine elections* may be understood as containing two levels. At the “higher” or broader level, the adjective genuine can be seen to bring in the so-called adjacent political freedoms and rights, such as the freedom of expression, freedom of assembly, freedom of association and freedom of movement. At the “lower” or narrower level, the element of a genuine election should include a real “choice” for voters between political contestants.

Universal suffrage defines the electorate. The article concerns who among the “everyone” should have the right to participate in elections, with a premise that it should be defined in terms as inclusive as possible. Implicit in this article is the concept that a relationship of some sort between the individual and the country in question can be required, in addition to the normal requirement for a minimum age.

The reference to *equal suffrage* is related to equality in the actual voting among the electorate. At the outset, equal suffrage translates into the maxim “one person, one vote”, that is, that the voters should have an equal number of votes at their disposal when they carry out the act of voting. A second dimension is that each vote should count more or less with the same strength, with implications for the delineation of electoral district boundaries. Gerrymandering, that is, opportune changing of electoral boundaries in bad faith, is inadmissible under the principle of equal suffrage.

The element of a *secret vote* is quite clear, at least in principle. The element holds that the voter should cast his or her vote in secret, that is, in a situation where nobody else can see how the voter voted, with a guarantee that the person is actually in a position to vote according to his or her own conviction, free from influence and coercion from anybody else during the act of voting. The secrecy of the vote should also mean that it would not be possible to attribute a vote, marked in the secrecy of the polling booth, to any particular voter. Rather, the ballot paper must, after it has been marked and dropped into the ballot box, be completely anonymous in relation to the voter who marked it.

There may of course be special procedures for persons unable to mark the ballot paper themselves, such as illiterate or physically impaired voters. As far as possible, the secrecy of the vote should be respected for these persons as well. This is partly provided for in the qualification of secrecy of the vote, which provides for “equivalent free voting procedures”.

The various electoral elements found in Article 21(3) of the Universal Declaration provide an operational dimension to the right to participation that is relevant as a starting point for election observation.

2.2 The Global Norm of Participation

The plan to create a global ‘Bill of Human Rights’ came to its completion in 1966 with the adoption of the two UN Covenants, the one on ‘Civil and Political Rights’ (hereinafter: the CCPR) and the other on ‘Economic, Social and Cultural Rights’. In relation to the Charter of the United Nations and the ‘Universal Declaration of Human Rights’, the two UN Covenants implement the Universal Declaration by creating a binding set of human rights norms at the level of international law.

Article 25 of the International Covenant on Civil and Political Rights (CCPR) (1966)

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Although Article 25 of the CCPR is about participation, it does not mention the word democracy. In fact, it deserves to be repeated that very few human rights documents do, and when so, mainly in the preamble of the convention. However, Article 25 does introduce a number of human rights aspects into the electoral process and identifies elections as a central component of participation while defining a number of election-related elements as a minimum level of participation.

In General Comment 25 by the UN Human Rights Committee (hereinafter: HRC) concerning Article 25 of the CCPR, it is stated that whatever form of constitution or government is in force, the CCPR requires states to adopt such legislative and other measures that may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. This statement reflects the nature of the CCPR and Article 25 as a legally binding human rights document and norm, which create formal obligations for states which have signed and ratified the CCPR. Against this background, the CCPR is clearly a binding human rights norm at the level of international law. Correspondingly, Article 25 of the CCPR is binding in relation to the states that have ratified it. As a consequence, the provision emerges as a norm

that specifies the contents of Article 21 in the Universal Declaration concerning the modalities of participation in a legally binding form.

Article 25 of the CCPR opens up with a *chapeau* containing a reference to “every citizen”. This is clearly a specification and delimitation of the contents of Article 21 in the Universal Declaration, where the terms “everyone” and “government of his country” are used. Now the situation is clear concerning the exercise of the sovereign law-making powers: the states may limit the rights guaranteed in Article 25 of the CCPR to that group of persons the state itself has recognised as being citizens.

The reference to not only the right but also to the opportunity to take part is also a difference in relation to Article 21 in the Universal Declaration. The meaning of the reference is to make clear to the states that the right to participate should not only be guaranteed as a right *de jure*, but also as a right *de facto*. In the latter meaning, the state is required to take so-called positive measures to realise the right to participate. Such positive measures may include, for example, the effective registration of voters which is as inclusive as possible, the provision of accessible and inclusive registration procedures for candidates and the convenient locating of polling stations.

The distinctions referred to in Article 2 of the CCPR include discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. These grounds of distinction are examples through which prohibited discrimination can be identified. The prohibition of discrimination is thus brought into the ambit of Article 25 of the CCPR through the reference to Article 2 of the CCPR.

As concerns the unreasonable restrictions referred to in the *chapeau*, nothing specific is mentioned. This means that the content of such restrictions is a matter of interpretation. The treaty-body created to oversee the implementation of the CCPR, the United Nations Human Rights Committee (hereinafter: UN HRC), is obviously the body which, especially on the basis of the individual complaints received by it, determines what is to be understood by unreasonable restrictions. Comments upon such restrictions may be found, for instance, in the cases of *Peter Chiiko Bwalya v. Zambia*, *Mátyus v. Slovakia*, and *Antonina Ignatane v. Latvia*¹.

Paragraph (a) of Article 25 is a so-called “take part clause”, but in comparison with Article 21 of the Universal Declaration, the institutional scope of Article 25 of the CCPR is much broader. Whereas Article 21 is focused on the government of a country, Article 25 of the CCPR refers to the conduct of public affairs. Institutionally speaking, participation should thus not only take place in relation to the national government, but also in relation to other levels and forms of administration, such as the regional and local government level.

The HRC of the United Nations has, in its General Comment to Article 25 of the CCPR, held that direct participation in the conduct of public affairs may

imply that a person appears, for instance, as a voter in elections, as a voter in referendums, as a participant in local decision-making assemblies, as a member of legislative bodies, as a person holding executive office and as a member of a body which is established to represent citizens in consultation with government.

The way in which the representatives shall be chosen so that there is a free expression of the will of the people is established in paragraph (b) of Article 25. This paragraph can be understood as an operationalisation of paragraph (a) as concerns direct participation in elections as a voter and as concerns the reference to freely chosen representatives. This operationalisation actually defines what the CCPR understands by the term “elections”. According to the article, there shall be the right and the opportunity “[t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”. This provision contains at least two distinct things. Firstly, it contains the necessary elements for elections; secondly, it contains the idea of an electoral cycle or of a time-span during which the various elements for elections shall be implemented.

It is also important to mention what Article 25(b) does not contain. Firstly, it does not contain a definition of democracy, although it seems to have a preference for a representative system of government. Direct popular decision-making is, however, not excluded. Secondly, Article 25 does not prescribe any particular electoral system.

As concerns the elements for election, it is possible to identify a number of distinct features, namely the right to vote, the right to stand as a candidate, genuine elections, periodic elections, universal suffrage, equal suffrage, secrecy of the ballot and the free expression of the will of the electors. In relation to Article 21 of the Universal Declaration, the right to stand as a candidate is a new dimension and definitely a very important one.

As concerns the electoral cycle, it is possible to argue on the basis of paragraph (a) of Article 25 that the right to participate in the conduct of public affairs is a continuous right. Against the “periodic” background, it is possible to argue that in the context of elections, the election elements included in paragraph (b) of Article 25 can be organised in an order which is more or less chronological:

1. Periodic elections
2. Genuine elections
3. Stand for election
4. Universal suffrage
5. Voting in elections on the basis of the right to vote
6. Equal suffrage
7. Secret vote
8. Free expression of the will of the voters

As a consequence, this attribution of a continuous character to the right to participate through elections would strongly underline the fact that the simple act of voting on the day of the elections does not exhaust elections or consume this part of participation. Rather, the continuous character of elections implies that elections are an on-going process of a cyclical nature: when one election has been completed and those elected have assumed their seats, the process will start again from the beginning.

The extension of elections far beyond the immediate act of voting on Election Day also has wider implications, because it results in a need to take into account a number of other human rights closely linked to the right to participation. The so-called political rights of freedom of association, freedom of assembly and freedom of speech are brought into the election context in a more substantive manner under this cyclical understanding of elections.

There is a reference in Article 25(b) to the right to be elected. In comparison with Article 21 of the Universal Declaration, the provision is a novelty. This does not mean that the citizens would have a subjective right to become members of an elected body, but rather that all citizens that qualify under the provisions of the law should have not only the right but also the opportunity to stand as a candidate. This right to stand for election would also include a recognition of the right of independent candidates to stand as candidates.

In fact, according to the interpretation of the UN HRC, the “effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates”. Combined with the principle that candidates cannot be required to be members of parties or of specific parties or to hold some defined political opinion, the scene is opened up for a competitive election.

As a practical matter, the element of standing for election should imply that the national law contains sufficient provisions concerning the registration of parties and candidates so that all political opinions and groupings have an equal opportunity, without any of the distinctions mentioned in Article 2 of the CCPR and without unreasonable restrictions, to officially become participants in the electoral process, which leads up to an election. Such registration procedures should hence not be so difficult that candidacy is inhibited (*e.g.*, extremely high number of supporters required for candidacy or an excessive deposit required from a party before a list of candidates is accepted for elections). The free expression of the will of the electors should not be unduly restricted, but rather promoted, during this stage of the electoral cycle, which is crucial for the outcome of the elections.

The election element on the right to be elected could be developed beyond the ordinary concerns related to the nomination of candidates, so as to target a number

of special groups that may be at a disadvantage in the exercise of their rights in general, and their political rights in particular.

However, certain categories of persons may, under certain conditions, be excluded from the right to stand for elections. In the case of *Joszef Debreczeny v. the Netherlands*¹, it was alleged that the refusal to accept the credentials of an elected person for a seat of a local council, because the person was a police sergeant in the national police force, would amount to a violation of Article 25 of the CCPR. The UN HRC noted that “the restrictions on the right to be elected to a municipal council are regulated by law and that they are based on objective criteria, namely the electee’s professional appointment by or subordination to the municipal authority. Noting the reasons invoked by the State party for these restrictions, in particular, to guarantee the democratic decision-making process by avoiding conflicts of interests, the Committee considers that the said restrictions are reasonable and compatible with the purpose of the law.”

There is a body of cases that illustrate the interpretation of the various election elements. The list of cases will include jurisprudence from both the UN HRC and the European human rights system. It should be noted that General Comment 25 concerning the right to participation of the UN HRC says something about virtually every election element.

The final election element in Article 25(b) of the CCPR, the element of the free expression of the will of the voters, is of a summary nature and emphasises through the expression “guaranteeing” the importance of a fulfilment of the other election elements for the free expression of the will of the voters. The free expression of the will of the voters is hence the aim of Article 25 of the CCPR.

For instance, political parties and candidates can, in most societies, not carry out a significant campaign without sufficient funds at their disposal. While such funds are needed and the legality of donations to such ends can not be questioned, campaign financing may come with some strings that attach the party or the candidate to the donor. To prevent the legitimate campaign funding from transgressing the line and becoming a non-legitimate method of influence, some measures of regulation concerning campaign financing could be expected. This has been identified as an area of possible legislative action by the UN HRC (CCPR, General Comment 25): “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.”

The issue of the free expression of the will of the electors is, of course, not finished with the more internal safeguards in this respect, but must contain a possibility to bring issues dealing with the elections to an external review of their legality. For this reason, complaints mechanisms should be in place so that the voters as well

as the parties and candidates are given the opportunity to claim their rights before the judiciary and raise claims about the conduct of the election administration, all the way from voter registration to the allocation of mandates. For instance, under Article 2(3) of the CCPR, each State Party to the CCPR undertakes to ensure that any person whose rights or freedoms recognized in the CCPR are violated have an effective remedy. The remedy should preferably be judicial. In terms of the UN HRC (CCPR, General Comment 25), “[t]here should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes”. The ultimate remedy should be the disqualification of the elections with the practical outcome of new elections to be organised, either in the whole country or in the constituency that has been affected by misconduct.

As this review of the contents of Article 25 of the CCPR shows, the right to participation is particularly well-specified in the area of the electoral process, within which a number of well-established rules exist. A summary of what elections should look like under Article 25 of the CCPR is contained in General Comment 25 of the UN HRC: “Although the Covenant does not impose any particular electoral system, any system operating in a State party must be compatible with the rights protected by article 25 and must guarantee and give effect to the free expression of the will of the electors. The principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.”

2.3 Participation of Special Groups

The issue of participation is discussed in a number of other more specific human rights documents, such as the 1965 ‘UN Convention on the Elimination of All Forms of Racial Discrimination’ (CERD) and the 1979 ‘UN Convention on the Elimination of All Forms of Discrimination against Women’ (CEDAW).

Article 5 of the UN Convention on the Elimination of All Forms of Racial Discrimination (1965)

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...]

- (c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

In Article 5(c) of the CERD, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee to everyone, without distinction, the enjoyment of political rights, in particular the right to participate in elections through voting and through the opportunity to stand for election on the basis of universal and equal suffrage. Eligibility on equal terms is hence explicitly at the core of Article 5(c) of the CERD. The CERD emphasises non-discrimination, but it also contains an element of positive measures when establishing a guarantee of the right to participation for everyone without distinction as to race, colour, or national or ethnic origin. In this respect the CERD is of relevance for minorities of all kinds.

Women are clearly included among the persons who, on the basis of the Universal Declaration and the CCPR, shall have the right to participate in government or public affairs, respectively. However, the position of women in governmental structures does not reflect their share of the population, and therefore, the CEDAW has the important function of reminding everyone and especially the States Parties of the fact that women are a part of the people.

Article 7 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (1979)

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; [...]

Article 7(a) of the CEDAW promotes inclusiveness for women by prescribing eligibility for election to all publicly elected bodies, but extends inclusiveness in paragraphs (b) and (c) to the practical functioning in elective office and to participation in non-governmental organisations and associations concerned with the public and political life of the country so as to remind us of Article 20 in the UDHR and Article 22 in the CCPR. This could function as a basis of special measures to support the position of women in political life. In addition, women shall, of

course, have the right to vote in all elections and public referendums on equal terms with men.

The CEDAW and the CERD, together with the 1992 ‘UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’, in which the right of effective participation of minorities is mentioned, are a pointer in the direction that there are certain disadvantaged groups in the society which may need some special attention in terms of participation. It does not help much if these groups have the equal right to vote if the candidates nominated for election contain nobody from these groups. Therefore, it might be possible to promote the participation of these groups already at the nomination stage, for instance, by informing these groups of the necessity to avail themselves of the legal mechanisms to nominate candidates.

This perspective is very much supported in Article 5 of the CERD with a view to the groups mentioned therein. The CERD provision continues by separating from this immediate accessibility through participation the right to take part in government as well as in the conduct of public affairs at any level and to have equal access to public service. Measures to promote accessibility are also recommended, for instance, in the UN Declaration on Minorities, especially in Article 2 of the Declaration, which tries to enhance the effective participation of minorities. One possible way of enhancing effective participation of minorities could be so-called reserved seats for the minority groups. However, such reserved seats should be created so as not to violate the election principles more than is justifiable and necessary in the situation at hand.

Against this background, it is interesting to note what the European Court of Human Rights has said about pluralism, tolerance and broadmindedness as hallmarks of a “democratic society”: “Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position.”²

2.4 Developments in Europe

Post-1948, the plan to adopt at the global level a complete ‘Bill of Human Rights’ of a binding nature proved to be a difficult matter, mainly because of the Cold War and the differences of opinion between the West and the East concerning the contents of human rights. Instead, steps were taken at the regional level, particularly in Europe, where the Council of Europe and its ‘Convention for the Protection of Human Rights and Fundamental Freedoms’ (ECHR) were created in 1949 and 1950, respectively. Interestingly, the ECHR did not in its original

fashion contain any mention of participation, although the articles of the ECHR made provisions concerning the adjacent political rights, that is, everyone's freedom of expression, freedom of association and freedom of assembly.

Interestingly, rather than providing citizens with a right to vote in elections, Article 3 of the First Protocol places an obligation on the States to organise elections. Thus the wording of Article 3 does not indicate any individual right to participation in elections. Nevertheless, the European Court of Human Rights has pronounced itself on the matter and interpreted the article as an individual right on the basis of which an individual under the jurisdiction of the member states can file individual complaints against that state. In fact, the interpretations of the Court have changed the contents of the article so much that the article could *de facto* be read as follows: "Every citizen has the right to vote and to stand as a candidate in free elections that are held at reasonable intervals by ...". The people referred to in the article is hence to be understood as the citizens of the state in the form of the electorate.

Elections according to Article 3 in the First Protocol shall, in addition, be by reasonable intervals. This qualification is somewhat more specific than the principle of periodic elections in Article 21 of the Universal Declaration and Article 25 of the CCPR. In addition to the requirement of fixed intervals in national legislation, Article 3 asks the state to establish a reasonable interval for the elections. The requirement of reasonable intervals certainly excludes the possibility of fixing very long intervals, such as a generation or ten years, and indicates that a "normal" length of parliamentary period should be identified. In the Member States of the Council of Europe, that period is probably between 3–6 years. It is not quite clear on the basis of the wording of Article 3 what the "conditions which will ensure the free expression of the opinion of the people" are, but generally speaking the idea is to facilitate an atmosphere during the election times which is free from intimidation or coercion.

The freedom of choice in the political sphere familiar to us from the Universal Declaration and the CCPR is also reflected in the OSCE principles adopted in the so-called 'Copenhagen Document' after the era of the Cold War. In the 'Copenhagen Document', Paragraph 3, it is declared that the participating States recognise the importance of pluralism with regard to political organisations. The 'Copenhagen Document' maintains that "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of authority and legitimacy of all government". It is emphasised that "citizens should be able to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes".

The OSCE Copenhagen Document (1990)

- (7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will
 - (7.1) hold free elections at reasonable intervals, as established by law;
 - (7.2) permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
 - (7.3) guarantee universal and equal suffrage to adult citizens;
 - (7.4) ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
 - (7.5) respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
 - (7.6) respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
 - (7.7) ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
 - (7.8) provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;
 - (7.9) ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

Paragraphs 7.1 and 7.2 of the ‘Copenhagen Document’ make the same point at the level of political competition. Paragraph 7.2 stipulates that the participating States will “permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote”. This is sustained in Paragraph 7.6, which emphasises the necessity of legal guarantees to enable political parties and organisa-

tions to compete with each other on a basis of equal treatment before the law and the authorities. The free will of the electors is expected to arise on the basis of a competition between the political contestants.

2.5 Participation in the Americas, Africa and Asia

The ‘Charter of the Organisation of American States’ in its Preamble makes an important statement concerning national decision-making by concluding that representative democracy is an indispensable condition for the stability, peace and development of the region. In Article 2(b) of the ‘Charter of the OAS’, the promotion and consolidation of representative democracy is identified as an essential purpose of the OAS. It is therefore not surprising that the ‘American Convention on Human Rights’ of 1969 in its Article 23 very much repeats the language of Article 25 of the CCPR.

According to Article 3 of the ‘Charter of the OAS’, the essential elements of representative democracy include, *inter alia*, “respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government”. Elections are here embedded in a broader context of constitutional features.

There is one difference between the CCPR and the ‘American Convention on Human Rights’, in that the American Convention adds a limitation clause on the basis of which the States Parties can, in national law, regulate the exercise of the rights and opportunities to participate in government on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings. Of these, at least language and education can be considered as problematic against the background of Article 25 of the CCPR, which in its *chapeau* makes a reference to the principle of non-discrimination in Article 2 of the CCPR and to the prohibition of unreasonable restrictions. The language criterion could perhaps also be problematic in relation to Article 27 of the CCPR and the recognition granted to linguistic minorities, while the educational criterion could be problematic against the background of the right to education in Article 13 of the ‘Covenant on Economic, Social and Cultural Rights’. If a State that is a party to the American Convention and at the same time to the CCPR chooses to use national legislation to create a legal limitation on the right of participation on grounds of language or education, it might be possible to argue that the national law is not in harmony with Article 25 of the CCPR.

On the African continent, the 'African Charter on Human and Peoples' Rights' was concluded in 1981. In Article 13 of the African Charter, there is a participation clause that opens up in a manner which is similar to Article 25 of the CCPR and Article 21 of the Universal Declaration. However, Article 13 of the African Charter lacks an operationalisation of participation in the field of elections.

On the basis of Article 13, it is clear that citizens have the right to take part in government. It is also possible to maintain on the basis of the provision which talks about participation in the government of one's country that the article is mainly targeted towards the national level, leaving regional and local levels aside. Participation should be free, and representatives should be freely chosen. However, Article 13(1) of the African Charter makes the implementation of the right to participation almost entirely dependent on national law.

In the African Charter, however, nothing more concrete is said about how participation should take place. More importantly, the principles governing elections are not explicitly prescribed, although Article 13(1) mentions that participation can be direct or through freely chosen representatives. The latter part of the two modes of participation seems to presuppose elections, but no elections or election elements are prescribed. Nonetheless, the practice of the African Commission on Human and Peoples' Rights indicates that at least the most extreme forms of exclusion of the people from national decision-making, such as military overthrow of civilian government, are not acceptable under Article 13(1) of the African Charter. The OAU/AU Declaration of July 2002 is more explicit with regard to the rights and obligations relating to elections, and is also useful for consideration of the commitment to democratic elections in the African context.

The OAU/AU Declaration on the Principles Governing Democratic Elections in Africa

Adopted at the 38th Ordinary Session of the Organization of African Unity, 8 July 2002, Durban, South Africa.

IV. Elections: Rights and Obligations

1. Every citizen shall have the right to participate freely in the government of his or her country, either directly or through freely elected representatives in accordance with the provisions of the law.

2. Every citizen has the right to fully participate in the electoral processes of the country, including the right to vote or be voted for, according to the laws of the country and as guaranteed by the Constitution, without any kind of discrimination.
3. Every citizen shall have the right to free association and assembly in accordance with the law.
4. Every citizen shall have the freedom to establish or to be a member of a political party or organization in accordance with the law.
5. Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.
6. Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country.
7. Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.
8. No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms. Hence all stakeholders should refrain from, among others, using abusive language and/or incitement to hate or defamatory allegations and provocative language. These acts should be sanctioned by designated electoral authorities.
9. All stakeholders in electoral contests shall publicly renounce the practice of granting favours, to the voting public for the purpose of influencing the outcome of elections.
10. In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.

11. Every candidate and political party shall respect the impartiality of the public media by undertaking to refrain from any act which might constrain or limit their electoral adversaries from using the facilities and resources of the public media to air their campaign messages.
12. Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.
13. Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

In Asia, there are no regional-level human rights conventions and consequently no specific regionally-expressed right to participation with rules on elections. In such a case, Article 25 of the CCPR is applicable in cases where a State has ratified it.

2.6 Conclusion

In the UN General Assembly resolution on 'Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections', the member states of the UN stress their "conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed, and that the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms".

This is not to deny the indivisibility of human rights or an attempt to produce a hierarchy of human rights. Nonetheless, this resolution may suggest a logical ordering of human rights so that a full realisation of the right to participation especially in the field of elections will produce a representative law-making body which is capable of catering for all the other substantive human rights.

Participation through elections and, where applicable, through referendums must therefore be respected, protected, promoted and fulfilled as a human right.

1. From the Human Rights Committee, following cases deal with the election elements: *Peter Chiiko Bwalya v. Zambia* (Comm. 314/1988, U.N. Doc. CCPR A/48/40(1993)); *Alba Pietrarola v. Uruguay* (Comm. 44/1979, views adopted on 27 March 1981); *Joszef Debrezseny v. the Netherlands* (Comm. 500/1992, U.N. Doc. CCPR A/50/40(1995)); *Antonina Ignatane v. Latvia* (Comm. 884/1999, U.N. Doc. CCPR/C/72/D884/1999); *Istvan Mátyus v. Slovakia* (Comm. 923/2000, U.N. Doc. CCPR/C/75/D/923/2000) and *Marie-Hélène Gillot et al. v. France* (Comm. 932/2000, U.N. Doc. CCPR/C/75/D/932/2000). The cases concerning Zambia, Uruguay, the Netherlands, and Latvia deal mainly with the right to stand as a candidate, while the case concerning Slovakia deals with the issue of equality of candidates in a situation where constituencies in local government elections in relation to the mandates allocated to them are of very different size. The case concerning France deals with the issue of universal suffrage in a situation of participation in referendum for the exercise of self-determination.

From the European human rights system, an ever-growing number of cases can be connected to the election elements: the *Greek Case* (Yearbook of the European Convention on Human Rights, Vol. 12(1969)); *Mathieu-Mohin and Clerfayt v. Belgium* (Eur.CtHR, judgment of 2 March 1987, Series A, Vol. 113); *Gitonas and others v. Greece* (judgment of 1 July 1997, Reports of Judgments and Decisions 1997-IV, No. 42); *Labita v. Italy* (Application No.26772/95, judgment of 6 April 2001); *Ahmed and others v. the United Kingdom* (Application No. 22954/93, judgment of 2 September 1998); *Selim Sadak and others v. Turkey* (ECtHR, Judgment of 11 June 2002, para. 4); *Podkolzina v. Latvia* (ECtHR, judgment of 9 April 2002); *Matthews v. the United Kingdom* (Judgment of 18 February 1999, Reports of Judgments and Decisions 1999-I). The first two cases, those concerning Greece and Belgium, are broad cases that affect a number of the election elements, while the case dealing with Italy and the *Matthews* case concerning the United Kingdom mainly focus on universal suffrage and the subsequent right to vote and the *Gitonas* case concerning Greece. The *Ahmed and others* case concerning the U.K., the *Sadak and others* case concerning Turkey and the *Podkolzina* case concerning Latvia deal with the right to stand for election. In addition, the element of genuine elections is illustrated through *Oberschlick v. Austria* (ECtHR A 204 (1990), *Lopes Gomes da Silva v. Portugal* (ECtHR, Judgment of 28 September 2000, Reports of Judgments and Decisions 2000-X), *Bowman v. U.K.* (ECtHR, Judgment of 19 February 1998, Reports of Judgments and Decisions 1998-I), *Incal v. Turkey* (ECtHR, Judgment of 9 June 1998, Reports of Judgments and Decisions 1998-IV) in the freedom of expression and media area, while cases such as *Socialist Party and others v. Turkey* (ECtHR, judgment of 25 May 1998, Reports of Judgments and Decisions 1998-III), *United Communist Party and others v. Turkey* (ECtHR, judgment of 30 January 1998, Reports of Judgments and Decisions 1998-I), *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria* (ECtHR, judgment of 2 October 2001, Reports of Judgments and Decisions 2001-IX) and the *Welfare Party v. Turkey* (ECtHR, judgment of 13 February 2003) illustrate the right to association and assembly.

2. *Young, James and Webster*, ECtHR, judgment of 13 August 1981, Series A, Vol. 44. However, the case arose in a trade union context.

3. Explanations on Categories of Election Standards

This compendium contains a series of “instruments” of relevance for election observation missions. Some have been adopted at the international (universal) level and others at the regional level, and the nature of the various standards varies from a legal obligation to a political commitments.

3.1 Levels of Standards

Universal instruments have been worked out and adopted within the United Nations (UN) usually as a result of negotiation and diplomatic exchanges. Since almost all states are represented in the UN, instruments and texts adopted tend to have a large degree of support at the universal level.

Regional instruments have been compiled and adopted within regional organisations such as the African Union, the Organisation of American States, the Council of Europe or the Commonwealth of Independent States.

3.2 Types of Standards

Treaty standards are standards contained in a treaty. A treaty can be concluded at both international and regional level and it is binding under international law for those states expressing their consent to be bound by the treaty. The ‘Vienna Convention on the Law of Treaties’, in which the law of treaties has been codified, defines a treaty as an international agreement concluded between states in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. States cannot by acts or omissions derogate from the treaty standards unless this is expressly provided for in the treaty or the state has made a specific reservation to that effect. The consent of a state to be bound by a treaty is usually expressed by ratification of the treaty, which can be preceded by signing of the instrument. When a state has signed or expressed its consent to be bound by the treaty, pending the entry into force of the treaty, the state

is obliged to refrain from acts, which would defeat the object and purpose of a treaty. Treaties are denominated in a variety of ways, e.g. as treaties, agreements, conventions, charters, or protocols. Examples of treaties included in this compendium are the 'International Covenant on Civil and Political Rights' (1966); the 'Convention on the Elimination of All Forms of Discrimination Against Women' (1979); the 'African Charter on Human and Peoples' Rights' (1981), the 'Framework Convention for the Protection of National Minorities' (1995).

Non-treaty standards are sometimes called "soft law" instruments. This is a body of resolutions of inter-governmental organisations containing declarations, commitments, joint statements, or declarations of policy or intentions. The main factor distinguishing non-treaty standards from legally binding commitments contained in treaties is the intention of the drafters, i.e. did they intend for the document to be legally binding or not? Non-treaty standards are usually adopted by the highest decision-making bodies of international organizations concerning issues that reflect new concerns or developments on which the political will to conclude a legally binding treaty is insufficient, or the matter is of such a nature that the adoption of non-treaty standards is better suited for the intended purpose. Non-treaty standards can, however, be used as interpretative tools in establishing the contents of a particular treaty standard, and they can be considered to be indicative of emerging trends in international law. In that respect, they contribute to the formation of customary international law, especially if adopted by consensus or by a majority vote. Resolutions (except for Security Council resolutions, which are legally binding) and declarations adopted under the auspices of the United Nations are typical examples of non-treaty standards. The 'Universal Declaration of Human Rights' (1948) is an example of a non-treaty standard, the provisions of which constitute a strong moral commitment to the protection of the human rights contained in the Declaration. Other examples of non-treaty standards referred to in this compendium are the General Assembly Resolution A/RES/46/137 (1991) on 'Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections'; the OAU/AU 'Declaration on the Principles Governing Democratic Elections (AHG/Dec.1 (XXXVIII))' (2002) and the 'Inter-American Democratic Charter' (2001).

Political commitments may contain standards, but can be considered more of a "political dialogue" between the states concerned, the intention of which is not to make the standards binding at the level of international law. Political commitments are pledges that governments make to each other to comply with certain standards of conduct, but without the threat of formal sanctions normally attached to the violation of treaty standards. Examples of political commitments contained in the compendium are the 'OSCE Copenhagen Meeting Declaration' (1990) and the 'OSCE Istanbul Summit Declaration' (1999); and the 'Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for

Conflict Prevention, Management, Resolution, Peacekeeping and Security' (2001) adopted by ECOWAS.

Other initiatives referred to in the compendium are policy papers that certain appointed commissions are working on, or draft conventions and declarations that have not yet been adopted and can therefore neither be considered as legally nor politically binding documents. In this compendium, reference is made for example to the 'Guidelines on Elections' (2002) by the Venice Commission and the 'Draft AU Declaration on Elections, Democracy and Governance' (2003) that has been outlined by the African Union.

General comments (or recommendations) are issued by human rights treaty monitoring bodies in order to announce their interpretations of different provisions of the pertinent treaty. This also serves to make the experience of the monitoring body available for the benefit of all States Parties and to promote the further implementation of the treaty and facilitate the compilation of state reports. The general comments are relied upon by the monitoring bodies in evaluating the compliance of states with their obligations under the treaty in question. General comments referred to in this compendium are, for example, the General comment 25 on 'The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25)' (1996) adopted by the Human Rights Committee and Article 5 (1996) and General recommendation 23 on 'Political and Public Life' (1997) adopted by the Committee on the Elimination of All Forms of Discrimination Against Women.

4. Matrix Indicating Membership of Universal and Regional Organisations³

Africa

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Algeria	•	•				•	•					
Angola	•	•										
Benin	•	•					•		•			•
Botswana	•	•						•				
Burkina Faso	•	•					•		•			•
Burundi	•	•							•			
Cameroon	•	•					•	•	•			
Cape Verde	•	•							•			•
Central African Republic	•	•							•			
Chad	•	•					•		•			
Comoros	•	•				•	•		•			
Congo	•	•							•			
Côte d'Ivoire	•	•					•		•			•
Democratic Republic of the Congo	•	•							•			
Djibouti	•	•				•	•		•			
Egypt	•	•				•	•		•			

3. The names indicated in this matrix do not imply official endorsement or acceptance by the European Union.

MATRIX INDICATING MEMBERSHIP OF UNIVERSAL AND REGIONAL ORGANISATIONS

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Equatorial Guinea	•	•							•			
Eritrea	•	•										
Ethiopia	•	•										
Gabon	•	•					•		•			
Gambia	•	•					•	•				•
Ghana	•	•						•				•
Guinea	•	•					•		•			•
Guinea-Bissau	•	•					•		•			•
Kenya	•	•						•				
Lesotho	•	•						•				
Liberia	•	•										•
Libyan Arab Jamahiriya	•	•				•	•		•			
Madagascar	•	•							•			
Malawi	•	•						•				
Mali	•	•					•		•			•
Mauritania	•	•				•	•		•			
Mauritius	•	•						•	•			
Morocco	•					•	•		•			
Mozambique	•	•					•	•				
Namibia	•	•						•				
Niger	•	•					•		•			•
Nigeria	•	•					•	•				•
Rwanda	•	•							•			
São Tome and Principe	•	•							•			
Senegal	•	•					•		•			•
Seychelles	•	•						•	•			
Sierra Leone	•	•					•	•	•			•
Somalia	•	•				•	•					
South Africa	•	•						•				
Sudan	•	•				•	•					

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Swaziland	•	•						•				
The Territory of Western Sahara		•										
Togo	•	•					•		•			•
Tunisia	•	•				•	•		•			
Uganda	•	•					•	•				
United Republic of Tanzania	•	•						•				
Zambia	•	•						•				
Zimbabwe	•	•						• ⁴				

South America

Argentina	•		•									
Bolivia	•		•									
Brazil	•		•									
Chile	•		•									
Colombia	•		•									
Ecuador	•		•									
Guyana	•		•				•	•				
Paraguay	•		•									
Peru	•		•									
Suriname	•		•				•					
Uruguay	•		•									
Venezuela	•		•									

4. Zimbabwe was suspended from the Commonwealth in March 2002 and is currently suspended indefinitely.

North America

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Antigua and Barbuda	•		•					•				
Bahamas	•		•					•				
Barbados	•		•					•				
Belize	•		•					•				
Canada	•		•					•	•	•		
Costa Rica	•		•									
Cuba	•		• ⁵									
Dominica	•		•					•	•			
Dominican Republic	•		•									
El Salvador	•		•									
Grenada	•		•					•				
Guatemala	•		•									
Haiti	•		•						•			
Honduras	•		•									
Jamaica	•		•					•				
Mexico	•		•									
Nicaragua	•		•									
Panama	•		•									
Saint Kitts and Nevis	•		•					•				
Saint Lucia	•		•					•				
Saint Vincent and the Grenadines	•		•					•				
Trinidad and Tobago	•		•					•				
United States of America	•		•							•		

5. In 1962 the Ministers of Foreign Affairs of OAS states excluded the current government of Cuba from participating in the Organisation.

Asia

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Afghanistan	•						•					
Armenia	•			•	•					•		
Azerbaijan	•			•	•		•			•		
Bahrain	•					•	•					
Bangladesh	•						•	•				
Bhutan	•											
Brunei Darussalam	•						•	•				
Cambodia	•								•			
China	•											
Democratic People's Republic of Korea	•											
Georgia	•			•	•					•		
India	•							•				
Indonesia	•						•					
Iran (Islamic Republic of)	•						•					
Iraq	•					•	•					
Israel	•											
Japan	•											
Jordan	•					•	•					
Kazakhstan	•				•		•			•		
Kuwait	•					•	•					
Kyrgyzstan	•				•		•			•		
Lao People's Democratic Republic	•								•			
Lebanon	•					•	•					
Malaysia	•						•	•				
Maldives	•						•	•				
Mongolia	•											
Myanmar	•											
Nepal	•											

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Oman	•					•	•					
Pakistan	•						•	• ⁶				
Palestinian Authority of the West												
Bank and Gaza Strip						•	•					
Philippines	•											
Qatar	•					•	•					
Republic of Korea	•											
Saudi Arabia	•					•	•					
Singapore	•							•				
Sri Lanka	•							•				
Syrian Arab Republic	•					•	•					
Tajikistan	•				•		•			•		
Thailand	•											
Timor-Leste	•											
Turkmenistan	•				•		•			•		
United Arab Emirates	•					•	•					
Uzbekistan	•				•		•					
Viet Nam	•								•			
Yemen	•					•	•					

6. Pakistan was suspended from the Commonwealth in October 1999 following a military coup.

Australasia/Oceania

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Australia	•							•				
Cook Islands	•											
Fiji	•							•				
Kiribati	•							•				
Marshall Islands	•											
Micronesia (Federated States of)	•											
Nauru	•							•				
New Zealand	•							•				
Niue	•											
Palau	•											
Papua New Guinea	•							•				
Samoa	•							•				
Solomon Islands	•							•				
Tonga	•							•				
Tuvalu	•							•				
Vanuatu	•							•	•			

Europe

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Albania	•			•			•		•	•		
Andorra	•			•						•		
Austria	•			•						•	•	
Belarus	•				•					•		
Belgium	•			•					7	•	•	
Bosnia and Herzegovina	•			•						•		
Bulgaria	•			•					•	•		
Croatia	•			•						•		
Cyprus	•			•				•		•	•	
Czech Republic	•			•						•	•	
Denmark	•			•						•	•	
Estonia	•			•						•	•	
Finland	•			•						•	•	
France	•			•					•	•	•	
Germany	•			•						•	•	
Greece	•			•						•	•	
Holy See	•									•		
Hungary	•			•						•	•	
Iceland	•			•						•		
Ireland	•			•						•	•	
Italy	•			•						•	•	
Latvia	•			•						•	•	
Liechtenstein	•			•						•		
Lithuania	•			•						•	•	
Luxembourg	•			•					•	•	•	
Malta	•			•				•		•	•	
Monaco	•								•	•		
Netherlands	•			•						•	•	
Norway	•			•						•		

7. French Community of Belgium.

MATRIX INDICATING MEMBERSHIP OF UNIVERSAL AND REGIONAL ORGANISATIONS

	UN	AU	OAS	CoE	CIS	LAS	OIC	Commonwealth	Francophonie	OSCE	EU	ECOWAS
Poland	•			•						•	•	
Portugal	•			•						•	•	
Republic of Moldova	•			•	•				•	•		
Romania	•			•					•	•		
Russian Federation	•			•	•					•		
San Marino	•			•						•		
Serbia and Montenegro	•			•						•		
Slovakia	•			•						•	•	
Slovenia	•			•						•	•	
Spain	•			•						•	•	
Sweden	•			•						•	•	
Switzerland	•			•					•	•		
The Former Yugoslav Republic of Macedonia	•			•					•	•		
Turkey	•			•			•			•		
Ukraine	•			•	•					•		
United Kingdom of Great Britain and Northern Ireland	•			•				•		•	•	

5. Universal Instruments

The United Nations (UN)

The United Nations was established on 24 October 1945. Its purposes and principles are set out in its Charter and include the promotion and encouragement of respect for human rights and fundamental freedoms without distinction. The 'Universal Declaration of Human Rights' (UDHR) was passed as a resolution by the General Assembly in December 1948 and is the cornerstone of the international human rights protection system. Various UN treaties have subsequently elaborated on the provisions of the UDHR. These instruments are open for ratification by all member states and are legally binding to those states which become parties to them, subject to reservations and declarations. The implementation of these core human rights treaties is monitored by committees of experts, who consider States Parties' periodic reports on the measures they have adopted to give effect to the rights in the instruments. States Parties can also choose to recognise the competence of the committees to receive communications from other States Parties or individuals alleging that it has not fulfilled its obligations.

The General Assembly has also passed a number of resolutions and declarations pertinent to elections.

Universal Declaration of Human Rights (UDHR) (1948)

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

5.1 Treaty standards

5.1.1 *The International Covenant on Civil and Political Rights (ICCPR) (1966)*

Article 19

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 20

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others [...]
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protec-

tion of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2, and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

5.1.2 General Comment 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25) (1996).⁸

3. No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalization may raise questions of compatibility with article 25. State reports should indicate whether any groups, such as permanent residents, enjoy these rights on a limited basis, for example, by having the right to vote in local elections or to hold particular public service positions.
4. Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria. For example, it may be reasonable to require a higher age for election or appointment to particular offices than for exercising the right to vote, which should be available to every adult citizen. The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable. For example, established mental incapacity may be a ground for denying a person the right to vote or to hold office.
6. Citizens participate directly in the conduct of public affairs when they exercise power as members of legislative bodies or by holding executive office. This right of direct participation is supported by paragraph (b). Citizens also participate directly in the conduct of public affairs when they choose or change their constitution or decide public issues through a referendum or other electoral process conducted in accordance with paragraph (b). Citizens may participate directly by taking part in popular assemblies which have the power to make

- decisions about local issues or about the affairs of a particular community and in bodies established to represent citizens in consultation with government.
7. Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power. It is also implicit that the representatives exercise only those powers which are allocated to them in accordance with constitutional provisions. Participation through freely chosen representatives is exercised through voting processes which must be established by laws that are in accordance with paragraph (b).
 9. Paragraph (b) of article 25 sets out specific provisions dealing with the right of citizens to take part in the conduct of public affairs as voters or as candidates for election. Genuine periodic elections in accordance with paragraph (b) are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. Such elections must be held at intervals which are not unduly long and which ensure that the authority of government continues to be based on the free expression of the will of electors. The rights and obligations provided for in paragraph (b) should be guaranteed by law.
 10. The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote. It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements. Party membership should not be a condition of eligibility to vote, nor a ground of disqualification.
 11. States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.
 12. Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority

languages. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice.

14. If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.
15. The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. No person should suffer discrimination or disadvantage of any kind because of that person's candidacy.
16. Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. If there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b). The grounds for the removal of elected office holders should be established by laws based on objective and reasonable criteria and incorporating fair procedures.
17. The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy. Without prejudice to paragraph (1) of article 5 of the Covenant, political opinion may not be used as a ground to deprive any person of the right to stand for election.
19. In conformity with paragraph (b), elections must be conducted fairly and freely on a periodic basis within a framework of laws guaranteeing the effective exercise of voting rights. Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind. Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate

- expenditure on behalf of any candidate or party. The results of genuine elections should be respected and implemented.
20. An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant. States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with article 25 of the Covenant. The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes. Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.
 21. Although the Covenant does not impose any particular electoral system, any system operating in a State party must be compatible with the rights protected by article 25 and must guarantee and give effect to the free expression of the will of the electors. The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.
 25. In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.
 26. The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25. Political parties and membership in parties play a significant role in the conduct of public affairs and the

election process. States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder.

5.1.3 International Convention on the Elimination of Racial Discrimination (ICERD) (1966)

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

Article 5

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular: [...]
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;

5.1.4 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979)

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a

consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

5.1.5 General Recommendation 23 on Political and Public Life (1997)⁹

5. Article 7 obliges States parties to take all appropriate measures to eliminate discrimination against women in political and public life and to ensure that they enjoy equality with men in political and public life. The obligation specified in article 7 extends to all areas of public and political life and is not limited to those areas specified in subparagraphs (a), (b) and (c). The political and public life of a country is a broad concept. It refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The concept also includes many aspects of civil society, including public boards and local councils and the activities of organizations such as political parties, trade unions, professional or industry associations, women's organizations, community-based organizations and other organizations concerned with public and political life.
6. The Convention envisages that, to be effective, this equality must be achieved within the framework of a political system in which each citizen enjoys the right to vote and be elected at genuine periodic elections held on the basis of universal suffrage and by secret ballot, in such a way as to guarantee the free expression of the will of the electorate.

18. The Convention obliges States parties in constitutions or legislation to take appropriate steps to ensure that women, on the basis of equality with men, enjoy the right to vote in all elections and referendums, and to be elected. These rights must be enjoyed both *de jure* and *de facto*.
22. The system of balloting, the distribution of seats in Parliament, the choice of district, all have a significant impact on the proportion of women elected to Parliament. Political parties must embrace the principles of equal opportunity and democracy and endeavour to balance the number of male and female candidates.
23. The enjoyment of the right to vote by women should not be subject to restrictions or conditions that do not apply to men or that have a disproportionate impact on women. For example, limiting the right to vote to persons who have a specified level of education, who possess a minimum property qualification or who are literate is not only unreasonable, it may violate the universal guarantee of human rights. It is also likely to have a disproportionate impact on women, thereby contravening the provisions of the Convention.
28. While States parties generally hold the power to appoint women to senior cabinet and administrative positions, political parties also have a responsibility to ensure that women are included in party lists and nominated for election in areas where they have a likelihood of electoral success.
32. As political parties are an important vehicle in decision-making roles, Governments should encourage political parties to examine the extent to which women are full and equal participants in their activities and, where this is not the case, should identify the reasons for this. Political parties should be encouraged to adopt effective measures, including the provision of information, financial and other resources, to overcome obstacles to women's full participation and representation and ensure that women have an equal opportunity in practice to serve as party officials and to be nominated as candidates for election.
34. Other organizations such as trade unions and political parties have an obligation to demonstrate their commitment to the principle of gender equality in their constitutions, in the application of those rules and in the composition of their memberships with gender-balanced representation on their executive boards so that these bodies may benefit from the full and equal participation of all sectors of society and from contributions made by both sexes.

Recommendations

42. States parties are under an obligation to take all appropriate measures, including the enactment of appropriate legislation that complies with their Constitution, to ensure that organizations such as political parties and trade unions, which may not be subject directly to obligations under the Convention, do not discriminate against women and respect the principles contained in articles 7 and 8.
43. States parties should identify and implement temporary special measures to ensure the equal representation of women in all fields covered by articles 7 and 8.
45. Measures that should be identified, implemented and monitored for effectiveness include, under article 7, paragraph (a), those designed to:
 - (a) Achieve a balance between women and men holding publicly elected positions;
 - (b) Ensure that women understand their right to vote, the importance of this right and how to exercise it;
 - (c) Ensure that barriers to equality are overcome, including those resulting from illiteracy, language, poverty and impediments to women's freedom of movement;
 - (d) Assist women experiencing such disadvantages to exercise their right to vote and to be elected.
46. Under article 7, paragraph (b), such measures include those designed to ensure:
 - (a) Equality of representation of women in the formulation of government policy;
 - (b) Women's enjoyment in practice of the equal right to hold public office;
 - (c) Recruiting processes directed at women that are open and subject to appeal.
47. Under article 7, paragraph (c), such measures include those designed to:
 - (a) Ensure that effective legislation is enacted prohibiting discrimination against women;
 - (b) Encourage non-governmental organizations and public and political associations to adopt strategies that encourage women's representation and participation in their work.

5.1.6 Convention on the Political Rights of Women (CPRW) (1952)*Article 1*

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article 2

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

5.1.7 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) (1990)*

Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

Article 42

1. States Parties shall consider the establishment of procedures or institutions through which account may be taken, both in States of origin and in States of employment, of special needs, aspirations and obligations of migrant workers and members of their families and shall envisage, as appropriate, the possibility for migrant workers and members of their families to have their freely chosen representatives in those institutions.
2. States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities.
3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights.

8. The Human Rights Committee issues General Comments in order to announce its interpretations of different provisions of the Covenant. These are relied upon by the Committee in evaluating the compliance of states with their obligations under the Covenant.

9. Issued by the Committee Established to Monitor States' Compliance with the Commitments of CEDAW.

5.2 Matrix on the Status of Ratification of Instruments within the UN System

	ICCPR	ICERD	CEDAW	CPRW	MWC
Afghanistan	•	•	•	•	
Albania	•	•	•	•	
Algeria	•	•	•		
Andorra	s ¹⁰	s ¹¹	•		
Angola	•		•	•	
Antigua and Barbuda		•	•	•	
Argentina	•	•	•	•	
Armenia	•	•	•		
Australia	•	•	•	•	
Austria	•	•	•	•	
Azerbaijan	•	•	•		•
Bahamas		•	•	•	
Bahrain		•	•		
Bangladesh	•	•	•	• ¹²	s ¹³
Barbados	•	•	•	•	
Belarus	•	•	•	•	
Belgium	•	•	•	•	
Belize	•	•	•		•
Benin	•	•	•		

10. Signed 5 August 2002.

11. Signed 5 August 2002.

12. Ratified with the following reservation: “The Government of the People’s Republic of Bangladesh will apply article III of the Convention in consonance with the relevant provisions of the Constitution of Bangladesh and in particular, article 28 (4) allowing special provision in favour of women; article 29.3 (c) allowing reservation of any class of employment or office for one sex on the ground that it is considered by its nature to be unsuited to members of the opposite sex; and article 65 (3) providing for reservation of 30 seats in the National Assembly for women in addition to the provision allowing women to be elected to any and all of the 300 seats.”

13. Signed 7 October 1998.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Bhutan		s ¹⁴	•		
Bolivia	•	•	•	•	•
Bosnia and Herzegovina	•	•	•	•	•
Botswana	•	•	•		
Brazil	•	•	•	•	
Brunei Darussalam					
Bulgaria	•	•	•	•	
Burkina Faso	•	•	•		s ¹⁵
Burundi	•	•	•	•	
Cambodia	•	•	•	s ¹⁶	
Cameroon	•	•	•		
Canada	•	•	•	•	
Cape Verde	•	•	•		•
Central African Republic	•	•	•	•	
Chad	•	•	•		
Chile	•	•	•	•	s ¹⁷
China	s ¹⁸	•	•		
Colombia	•	•	•	•	•
Comoros		s ¹⁹	•		s ²⁰
Congo	•	•	•	•	
Cook Islands					
Costa Rica	•	•	•	•	
Côte d'Ivoire	•	•	•	•	
Croatia	•	•	•	•	
Cuba		•	•	•	

14. Signed 26 March 1973.

15. Signed 16 November 2001.

16. Signed 11 Nov 2001.

17. Signed 24 September 1993.

18. Signed 5 October 1998.

19. Signed 22 September 2000.

20. Signed 22 September 2000.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Cyprus	•	•	•	•	
Czech Republic	•	•	•	•	
Democratic People's Republic of Korea	• ²¹		•		
Democratic Republic of the Congo	•	•	•	•	
Denmark	•	•	•	•	
Djibouti	•		•		
Dominica	•		•		
Dominican Republic	•	•	•	•	
Ecuador	•	•	• ²²	•	•
Egypt	•	•	•	•	•
El Salvador	•	•	•	• ²³	•
Equatorial Guinea	•	•	•		
Eritrea	•	•	•		
Estonia	•	•	•		
Ethiopia	•	•	•	•	
Fiji		• ²⁴	•	•	
Finland	•	•	•	•	
France	•	•	•	•	
Gabon	•	•	•	•	
Gambia	•	•	•		
Georgia	•	•	•		

21. The government ratified ICCPR in December 1981 but then submitted a notification of withdrawal in September 1997. The Secretary-General expressed his opinion that withdrawal from the Covenant would not appear possible unless all States Parties to the Covenant agree with such a withdrawal.

22. Ratified with the following reservation: "The Government of Ecuador signs this Convention subject to a reservation with respect to the last phrase in article I, 'without any discrimination', since article 22 of the Political Constitution of the Republic specifies that 'a vote in popular elections is obligatory for a man and optional for a woman'."

23. Signed 24 June 1953.

24. Ratified with the following reservation: "To the extent, if any, that any law relating to elections in Fiji may not fulfil the obligations referred to in article 5 (c) [...] the Government of Fiji reserves the right not to implement the aforementioned provisions of the Convention."

	ICCPR	ICERD	CEDAW	CPRW	MWC
Germany	•	•	•	•	
Ghana	•	•	•	•	•
Greece	•	•	•	•	
Grenada	•	s ²⁵	•		
Guatemala	•	•	•	• ²⁶	•
Guinea	•	•	•	•	•
Guinea-Bissau	s ²⁷	s ²⁸	•		s ²⁹
Guyana	•	•	•		
Haiti	•	•	•	•	
Holy See		•			
Honduras	•	•	•		
Hungary	•	•	•	•	
Iceland	•	•	•	•	
India	•	•	•	•	
Indonesia		•	•	•	
Iran (Islamic Republic of)	•	•			
Iraq	•	•	•		
Ireland	•	•	•	•	
Israel	•	•	•	•	
Italy	•	•	•	•	
Jamaica	•	•	•	•	
Japan	•	•	•	•	
Jordan	•	•	•	•	
Kazakhstan		•	•	•	

25. Signed 17 December 1981.

26. Ratified with the following reservation: "Articles I, II and III shall apply only to female citizens of Guatemala in accordance with the provisions of article 16, paragraph 2 of the Constitution of the Republic."

27. Signed 12 September 2000.

28. Signed 12 September 2000.

29. Signed 12 September 2000.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Kenya	•	•	•		
Kiribati					
Kuwait	• ³⁰	•	• ³¹		
Kyrgyzstan	•	•	•	•	•
Lao People's Democratic Republic	• ³²	•	•	•	
Latvia	•	•	•	•	
Lebanon	•	•	•	•	
Lesotho	•	•	•	•	
Liberia	• ³³	•	•	• ³⁴	
Libyan Arab Jamahiriya	•	•	•	•	
Liechtenstein	•	•	•		
Lithuania	•	•	•		
Luxembourg	•	•	•	•	
Madagascar	•	•	•	•	
Malawi	•	•	•	•	
Malaysia			• ³⁵		

30. Ratified with the following reservation to article 25(b): “The provisions of this paragraph conflict with the Kuwaiti electoral law, which restricts the right to stand and vote in elections to males. It further declares that the provisions of the article shall not apply to members of the armed forces or the police.”

31. Ratified with the following reservation: “The Government of Kuwait enters a reservation regarding article 7 (a), inasmuch as the provision contained in that paragraph conflicts with the Kuwaiti Electoral Act, under which the right to be eligible for election and to vote is restricted to males.”

32. Signed 7 December 2000.

33. Signed 18 April 1967.

34. Signed 9 Dec 1953.

35. Ratified with the following reservation: “Malaysia’s accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Sharia’ law and the Federal Constitution of Malaysia. With regards thereto, further, the Government of Malaysia does not consider itself bound by the provisions of articles [...] 7 (b).

	ICCPR	ICERD	CEDAW	CPRW	MWC
Maldives		•	• ³⁶		
Mali	•	•	•	•	•
Malta	•	•	•	•	
Marshall Islands					
Mauritania		•	• ³⁷	•	
Mauritius	•	•	•	•	
Mexico	• ³⁸	•	•	•	•
Micronesia (Federated States of)					
Monaco	•	•			
Mongolia	•	•	•	•	
Morocco	•	•	•	•	•
Mozambique	•	•	•		
Myanmar			•	• ³⁹	
Namibia	•	•	•		
Nauru	• ⁴⁰	• ⁴¹			
Nepal	•	•	•	•	
Netherlands	•	•	•	•	
New Zealand	•	•	•	•	
Nicaragua	•	•	•	•	

36. Ratified with the following reservation: “The Government of the Republic of Maldives expresses its reservation to article 7 (a) of the Convention, to the extent that the provision contained in the said paragraph conflicts with the provision of article 34 of the Constitution of the Republic of Maldives.”

37. Ratified with the following reservation: [Government of Mauritania] “have approved and do approve it in each and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution.”

38. Ratified with the following reservation to article 25(b): “The Government of Mexico... makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither an active nor a passive vote, nor the right to form associations for political purposes.”

39. Signed 14 Sep 1954.

40. Signed 12 November 2001.

41. Signed 12 November 2001.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Niger	•	•	•	•	
Nigeria	•	•	•	•	
Niue					
Norway	•	•	•	•	
Oman		•			
Pakistan		•	• ⁴²	•	
Palau					
Panama	•	•	•		
Papua New Guinea		•	•	•	
Paraguay	•	•	•	•	• ⁴³
Peru	•	•	•	•	
Philippines	•	•	•	•	•
Poland	•	•	•	•	
Portugal	•	•	•		
Qatar		•			
Republic of Korea	•	•	•	•	
Republic of Moldova	•	•	•	•	
Romania	•	•	•	•	
Russian Federation	•	•	•	•	
Rwanda	•	•	•	•	
Saint Kitts and Nevis			•		
Saint Lucia		•	•		
Saint Vincent and the Grenadines	•	•	•	•	
Samoa			•		
San Marino	•	•			

42. Ratified with the following reservation: “The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan.”

43. Signed 13 September 2000.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Sao Tome and Principe	s ⁴⁴	s ⁴⁵	•		s ⁴⁶
Saudi Arabia		• ⁴⁷	• ⁴⁸		
Senegal	•	•	•	•	•
Serbia and Montenegro	•	•	•	•	
Seychelles	•	•	•		•
Sierra Leone	•	•	•	•	s ⁴⁹
Singapore			•		
Slovakia	•	•	•	•	
Slovenia	•	•	•	•	
Solomon Islands		•	•	•	
Somalia	•	•			
South Africa	•	•	•	s ⁵⁰	
Spain	•	•	•	•	
Sri Lanka	•	•	•		•
Sudan	•	•			
Suriname	•	•	•		

44. Signed 31 October 1995.

45. Signed 6 September 2000.

46. Signed 6 September 2000.

47. Ratified with the following reservation: "The Government of Saudi Arabia declares that it will implement the provisions, providing these do not conflict with the precepts of the Islamic *Shariab*."

48. Ratified with the following reservation: "In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention."

49. Signed 15 September 2000.

50. Signed 29 Jan 1993.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Swaziland		•		• ⁵¹	
Sweden	•	•	•	•	
Switzerland	• ⁵²	•	•		
Syrian Arab Republic	•	•	•		
Tajikistan	•	•	•	•	•
Thailand	•	•	•	•	
The Former Yugoslav Republic of Macedonia	•	•	•	•	
Timor-Leste	•	•	•		
Togo	•	•	•		• ⁵³
Tonga		•			
Trinidad and Tobago	•	•	•	•	
Tunisia	•	•	• ⁵⁴	•	
Turkey	•	•	•	•	• ⁵⁵
Turkmenistan	•	•	•	•	
Tuvalu			•		

51. Ratified with following reservation: “The Convention shall have no application to matters which are regulated by Swaziland Law and Custom in accordance with Section 62 (2) of the Constitution of the Kingdom of Swaziland. [(a) The office of Nggwenyama; (b) the office of Ndlovukazi (the Queen Mother); (c) the authorization of a person to perform the functions of Regent for the purposes of section 30 of this Constitution; (d) the appointment, revocation of appointment and suspension of Chiefs; (e) the composition of the Swazi National Council, the appointment and revocation of appointment of members of the Council, and the procedure of the Council; (f) the Ncwala Ceremony; (g) the Libutfo (regimental) system.”

52. Ratified with the following reservation to article 25(b): “The present provision shall be applied without prejudice to the cantonal and communal laws, which provide for or permit elections within assemblies to be held by a means other than secret ballot.”

53. Signed 15 November 2001.

54. Ratified with the following reservation: “The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.”

55. Signed 13 January 1999.

	ICCPR	ICERD	CEDAW	CPRW	MWC
Uganda	•	•	•	•	•
Ukraine	•	•	•	•	
United Arab Emirates		•			
United Kingdom of Great Britain and Northern Ireland	•	•	•	• ⁵⁶	
United Republic of Tanzania	•	•	•	•	
United States of America	•	•	• ⁵⁷	•	
Uruguay	•	•	•	• ⁵⁸	•
Uzbekistan	•	•	•	•	
Vanuatu			•		
Venezuela	•	•	•	•	
Viet Nam	•	•	•		
Yemen	•	•	•	•	
Zambia	•	•	•	•	
Zimbabwe	•	•	•	•	

56. Ratified with the following reservation to article 3: “in so far as it relates to: “(b) certain offices primarily of a ceremonial nature;”(c) the function of sitting and voting in the House of Lords pertaining to holders of hereditary peerages and holders of certain offices in the Church of England”.

57. Signed 17 July 1980.

58. Signed 26 May 1953.

5.3 Non-Treaty Standards

5.3.1 *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)*

Article 4

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

5.3.2 *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)*

Article 2

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.

5.3.3 *Declaration on the Elimination of Discrimination against Women (1967)*

Article 4

All appropriate measures shall be taken to ensure to women on equal terms with men, without any discrimination:

- (a) The right to vote in all elections and be eligible for election to all publicly elected bodies;
- (b) The right to vote in all public referenda;
- (c) The right to hold public office and to exercise all public functions. Such rights shall be guaranteed by legislation.

5.3.4 *Declaration on the Rights of Disabled Persons (1975)*

4. Disabled persons have the same civil and political rights as other human beings

5.3.5 *Declaration on the Elimination of Racial Discrimination (1966)*

Article 6

No discrimination by reason of race, colour of ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in the elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

5.3.6 *Vienna Declaration of Programme and Action (1993)*

8. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives [...] The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.
34. Increased efforts should be made to assist countries which so request to create the conditions whereby each individual can enjoy universal human rights and fundamental freedoms. Governments and the United Nations system as well as other multilateral organisations are urged to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures which uphold the rule of law and democracy, electoral assistance, human rights awareness through training, teaching and education, popular participation and civil society.
67. Special emphasis should be given to measures to assist in the strengthening and building of institutions relating to human rights, strengthening of a pluralistic civil society and the protection of groups which have been rendered vulnerable. In this context, assistance provided upon the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections, is of particular importance.

5.3.7 *General Assembly Resolution A/RES/46/137 (1991) – Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections*

The General Assembly [...]

3. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests

of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

4. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws;
6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

5.3.8 General Assembly Resolution A/RES/56/154 (2002) – Respect for the Principles of National Sovereignty and Non-Interference in the Internal Affairs of States in Electoral Processes as an Important Element for the Promotion and Protection of Human Rights

The General Assembly,

2. Reiterates that periodic, fair and free elections are important elements for the promotion and protection of human rights;
3. Reaffirms the right of peoples to determine methods and to establish institutions regarding electoral processes and that, consequently, States should ensure the necessary mechanisms and means to facilitate full and effective popular participation in those processes;
6. Calls upon all States to refrain from financing political parties or other organizations in any other State in a way that is contrary to the principles of the Charter and that undermines the legitimacy of its electoral processes;
8. Reaffirms that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

6. Regional Instruments

The African Union (AU)

The African Union was launched on 9 July 2002 to replace the Organisation of African Unity. It was established with a view to accelerating the process of integration in the continent while addressing social, economic and political problems. Its aims include the promotion of democratic principles and institutions, popular participation and good governance. The African Charter on Human and Peoples' Rights established the African Commission on Human and Peoples' Rights. It is empowered, among other things, to receive and consider communications submitted by states, individuals and organisations alleging that a State Party has violated one or more of the rights guaranteed by the Charter. A Protocol establishing an African Court on Human and People's Rights came into force on 25 January 2004, but as yet neither the location of the court nor its composition have been decided. The 'Protocol on the Rights of Women' has not yet come into force.

The New Partnership for Africa's Development (NEPAD) is a programme of the African Union designed to be a comprehensive, integrated development plan that addresses key social, economic and political priorities in a coherent and balanced manner. It is aimed at the redevelopment of the African continent through accelerated growth and sustainable development, the eradication of widespread and severe poverty, and the halting of the marginalisation of Africa in the globalization process.

6.1 Treaty standards

6.1.1 *African Charter on Human and Peoples' Rights (ACHPR)*

Article 9

1. Each individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10

1. Each individual shall have the right to free association provided that he abides by the law.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.

6.1.2 *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR – PW)*

Article 9 Right to Participation in the Political and Decision-Making Process

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a) women participate without any discrimination in all elections;
 - b) women are represented equally at all levels with men in all electoral processes;
2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

6.2 Matrix on the Status of Ratification of Instruments within the African Union

	ACHPR	ACHPR – PW
Algeria	•	§ ⁵⁹
Angola	•	
Benin	•	
Botswana	•	
Burkina Faso	•	
Burundi	•	§ ⁶⁰
Cameroon	•	
Cape Verde	•	
Central African Republic	•	
Chad	•	
Comoros	•	
Congo	•	
Côte d'Ivoire	•	
Democratic Republic of the Congo	•	§ ⁶¹
Djibouti	•	§ ⁶²
Egypt	•	
Equatorial Guinea	•	
Eritrea	•	
Ethiopia	•	
Gabon	•	
Gambia	•	§ ⁶³
Ghana	•	§ ⁶⁴
Guinea	•	§ ⁶⁵

59. Signed 29 December 2003.

60. Signed 3 December 2003.

61. Signed 5 December 2003.

62. Signed 18 December 2003.

63. Signed 11 September 2003.

64. Signed 31 October 2003.

65. Signed 16 December 2003.

	ACHPR	ACHPR – PW
Guinea-Bissau	•	
Kenya	•	s ⁶⁶
Lesotho	•	
Liberia	•	s ⁶⁷
Libyan Arab Jamahiriya	•	s ⁶⁸
Madagascar	•	
Malawi	•	
Mali	•	s ⁶⁹
Mauritania	•	
Mauritius	•	
Mozambique	•	s ⁷⁰
Namibia	•	s ⁷¹
Niger	•	
Nigeria	•	s ⁷²
Rwanda	•	s ⁷³
Sao Tome and Principe	•	
Senegal	•	s ⁷⁴
Seychelles	•	
Sierra Leone	•	s ⁷⁵
Somalia	•	
South Africa	•	
Sudan	•	

66. Signed 17 December 2003.

67. Signed 16 December 2003.

68. Signed 5 November 2003.

69. Signed 9 December 2003.

70. Signed 15 December 2003.

71. Signed 9 December 2003.

72. Signed 16 December 2003.

73. Signed 19 December 2003.

74. Signed 26 December 2003.

75. Signed 9 December 2003.

		ACHPR	ACHPR – PW
Swaziland		•	
The Territory of Western Sahara		•	
Togo		•	s ⁷⁶
Tunisia		•	
Uganda		•	s ⁷⁷
United Republic of Tanzania		•	s ⁷⁸
Zambia		•	
Zimbabwe		•	s ⁷⁹

76. Signed 30 December 2003.

77. Signed 18 December 2003.

78. Signed 15 November 2003.

79. Signed 18 November 2003.

6.3 Non-Treaty Standards

6.3.1 *The New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance signed by Heads of State and Government of the Member States of the African Union (2002)*

7. At the beginning of the new century and millennium, we reaffirm our commitment to the promotion of democracy and its core values in our respective countries. In particular, we undertake to work with renewed determination to enforce [...]
 - individual and collective freedoms, including the right to form and join political parties and trade unions, in conformity with the constitution;
 - the inalienable right of the individual to participate by means of free, credible and democratic political processes in periodically electing their leaders for a fixed term of office;
11. In Africa's efforts at democracy, good governance and economic reconstruction, women have a central role to play. We accept it as a binding obligation to ensure that women have every opportunity to contribute on terms of full equality to political and socio-economic development in all our countries.

To fulfil these commitments we have agreed to adopt the following action plan:

13. In support of democracy and the democratic process
We will:
 - ensure that our respective national constitutions reflect the democratic ethos and provide for demonstrably accountable governance;
 - promote political representation, thus providing for all citizens to participate in the political process in a free and fair political environment;
 - enforce strict adherence to the position of the African Union (AU) on unconstitutional changes of government and other decisions of our continental organization aimed at promoting democracy, good governance, peace and security;
 - strengthen and, where necessary, establish an appropriate electoral administration and oversight bodies, in our respective countries and provide the necessary resources and capacity to conduct elections which are free, fair and credible;
 - reassess and where necessary strengthen the AU and sub-regional election monitoring mechanisms and procedures;

15. To promote and protect human rights

We have agreed to: [...]

- ensure responsible free expression, inclusive of the freedom of the press.

The Organisation of American States (OAS)

The Organisation of American States (OAS) was established in 1948 through the adoption of the OAS Charter and the 'American Declaration of the Rights and Duties of Man'. The two bodies in the Inter-American system responsible for the promotion and protection of human rights are the Inter-American Commission on Human Rights, created in 1959, and the Inter-American Court of Human Rights created by the American Convention on Human Rights. The Commission is responsible, amongst others, for receiving, analysing and investigating individual petitions which allege human rights violations. The Court is able to consider cases submitted to it by the Commission or States Parties.

6.4 Treaty Standards

6.4.1 *American Convention on Human Rights (AmCHR) (1969)*

Article 13 Freedom of thought and expression

1. Everyone shall have the right to freedom of thought and expression. This right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary in order to ensure:
 - a) respect for the rights or reputations of others; or
 - b) the protection of national security, public order, or public morals.
3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.
5. Any propaganda for war and any advocacy of national, racial or religious hatred that constitute incitement to lawless violence or to any other similar illegal action

against any person or group of persons on any grounds including those of race, colour, religion, language, or national origin shall be considered as offences punishable by law.

Article 14 Right of reply

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or make a correction using the same communications outlets, under such conditions as the law may establish.

Article 15 Right of assembly

The right of peaceful assembly, without arms, is recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedoms of others.

Article 16 Freedom of association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labour, social, cultural, sports, or other purposes.
2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.
3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

Article 23 Right to participate in government

1. Every citizen shall enjoy the following rights and opportunities:
 - a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
 - b) to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
 - c) to have access, under general conditions of equality, to the public service of his country.
2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence,

language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

6.4.2 *Inter-American Convention on the Granting of Political Rights to Women (AmCPRW) (1948)*

Article 1.

The High Contracting Parties agree that the right to vote and to be elected to national office shall not be denied or abridged by reason of sex.

6.5 Matrix on the Status of Ratification of Instruments within Organisation of American States

	AmCHR	AmCPRW
Antigua and Barbuda		
Argentina	•	•
Bahamas		
Barbados	•	
Belize		
Bolivia	•	•
Brazil	•	•
Canada		•
Chile	•	•
Colombia	•	•
Costa Rica	•	•
Cuba ⁸⁰		•
Dominica	•	•
Dominican Republic	•	•
Ecuador	•	•
El Salvador	•	•
Grenada	•	
Guatemala	•	• ⁸¹
Guyana		
Haiti	•	•

80. In 1962, Cuba was excluded from participation in the OAS at a meeting of the Ministers of Foreign Affairs of OAS states.

81. Ratified with the following reservation: “The Government of Guatemala makes a reservation with respect to the political rights of women who are illiterate, inasmuch as Article 9(2) of the Constitution of the Republic grants citizenship to Guatemalan women over eighteen years of age who know how to read and write.”

	AmCHR	AmCPRW
Honduras	•	• ⁸²
Jamaica	•	
Mexico	• ⁸³	•
Nicaragua	•	•
Panama	•	•
Paraguay	•	•
Peru	•	•
Saint Kitts and Nevis		• ⁸⁴
Saint Lucia		
Saint Vincent and the Grenadines		
Suriname	•	•
Trinidad and Tobago	• ⁸⁵	
United States of America	• ⁸⁶	•
Uruguay	• ⁸⁷	•
Venezuela	•	•

82. Ratified with the following reservation: “The Delegation of Honduras makes a reservation with respect to the granting of political rights to women, in view of the fact that the political Constitution of its country grants the prerogatives of citizenship to men only.”

83. Ratified with the following reservation: “The Government of Mexico makes express reservation to Article 23, paragraph 2, since the Mexican Constitution provides, in Article 130, that ministers of denominations shall not have a passive vote, nor the right to associate for political purposes.”

84. Signed 18 October 1980.

85. The government ratified the Charter on 4 March 1991 but submitted a notice of denunciation on 26 May 1998.

86. Signed 1 June 1977.

87. Ratified with the following reservation: “Article 80.2 of the Constitution of Uruguay provides that a person’s citizenship is suspended if the person is “under indictment on a criminal charge which may result in a penitentiary sentence.” Such a restriction on the exercise of the rights recognized in Article 23 of the Convention is not envisaged among the circumstances provided for in Article 23, paragraph 2, for which reason the Delegation of Uruguay expresses a reservation on this matter.”

6.6 Non-Treaty Standard

6.6.1 *American Declaration of the Rights and Duties of Man (1948)*⁸⁸

Article IV.

Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

Article XX.

Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free.

Article XXI.

Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.

Article XXII.

Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labour union or other nature.

Article XXVIII.

The rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy.

Article XXXII.

It is the duty of every person to vote in the popular elections of the country of which he is a national, when he is legally capable of doing so.

Article XXXIV.

It is likewise his duty to hold any public office to which he may be elected by popular vote in the state of which he is a national.

Article XXXVIII.

It is the duty of every person to refrain from taking part in political activities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien.

6.6.2 *Inter-American Democratic Charter (2001)*

Article 2

The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States. Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.

Article 3

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

Article 5

The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.

Article 6

It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.

Article 23

Member states are responsible for organizing, conducting, and ensuring free and fair electoral processes.

Member states, in the exercise of their sovereignty, may request that the Organization of American States provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose.

Article 28

States shall promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture.

The Council of Europe (CoE)

The Council of Europe was founded in 1949. The Council was set up to defend human rights, parliamentary democracy and the rule of law, develop continent-wide agreements to standardise member countries' social and legal practices, and promote awareness of a European identity based on shared values and cutting across different cultures. Protocol No. 11 to the European Convention on Human Rights establishing a full time court came into force on 1 November 1998. Any Contracting State or individual claiming to be a victim of a violation of the Convention may lodge an application directly with the Court in Strasbourg, alleging a breach by a Contracting State of one of the Convention rights. All final judgments of the Court are binding on the respondent States concerned.

6.7 Treaty Standards

6.7.1 *Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950)*

Article 10 Freedom of Expression

Everyone has right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

1. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others;
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the inter-

ests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

Article 16 Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

6.7.2 *First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR – P1) (1952)*

Article 3 Right to free elections

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of legislature.

6.7.3 *Framework Convention for the Protection of National Minorities (FCPNM) (1995)*

Article 4

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties

shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in [...] public affairs, in particular those affecting them.

6.7.4 *European Charter of Local Self-Government (ECLSG) (1985)*

Article 3 Concept of local selfgovernment

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.
2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

6.7.5 *Convention on the Participation of Foreigners in Public Life at Local Level (CPFPL) (1992)*

Article 2

For the purposes of this Convention, the term “foreign residents” means persons who are not nationals of the State and who are lawfully resident on its territory.

Article 3

Each Party undertakes, subject to the provisions of Article 9, to guarantee to foreign residents, on the same terms as to its own nationals:

- a) the right to freedom of expression; this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- b) the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests. In particular, the right to freedom of association shall imply the right of foreign residents to form local associations of their own for purposes of mutual assistance, maintenance and expression of their cultural identity or defence of their interests in relation to matters falling within the province of the local authority, as well as the right to join any association.

Article 6

1. Each Party undertakes, subject to the provisions of Article 9, paragraph 1, to grant to every foreign resident the right to vote and to stand for election in local authority elections, provided that he fulfils the same legal requirements as apply to nationals and furthermore has been a lawful and habitual resident in the State concerned for the 5 years preceding the elections.
2. However, a Contracting State may declare, when depositing its instrument of ratification, acceptance, approval or accession, that it intends to confine the application of paragraph 1 to the right to vote only.

Article 7

Each Party may, either unilaterally or by bilateral or multilateral agreement, stipulate that the residence requirements laid down in Article 6 are satisfied by a shorter period of residence.

Article 9

1. In time of war or other public emergency threatening the life of the nation, the rights accorded to foreign residents under Part I may be subjected to further restrictions to the extent strictly required by the exigencies of the situation, provided that such restrictions are not inconsistent with the Party's other obligations under international law.
2. As the right recognised by Article 3(a) carries with it duties and responsibilities, it may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
3. The right recognised by Article 3.b may not be subject to any restrictions other than such as are prescribed by law and are necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 15

The provisions of this Convention shall apply to all the categories of local authorities existing within the territory of each Party. However, each Contracting State may, when depositing its instrument of ratification, acceptance, approval or accession, specify the categories of territorial authorities to which it intends to confine the scope of this Convention or which it intends to exclude from its scope.

6.8 Matrix on the Status of Ratification of Instruments within the Council of Europe

	ECHR	ECHR – PI	FCPNM	CLSG	CPFPL
Albania	•	•	•	•	
Andorra	•				
Armenia	•	•	•	•	
Austria	•	•	•	•	
Azerbaijan	•	•	•	•	
Belgium	•	•	s ⁸⁹	s ⁹⁰	
Bosnia and Herzegovina	•	•	•	•	
Bulgaria	•	•	•	•	
Croatia	•	•	•	•	
Cyprus	•	•	•	•	s ⁹¹
Czech Republic	•	•	•	•	s ⁹²
Denmark	•	•	•	•	•
Estonia	•	•	•	•	
Finland	•	•	•	•	•
France	•	•		s ⁹³	
Georgia	•	•	s ⁹⁴	s ⁹⁵	
Germany	•	•	•	•	
Greece	•	•	s ⁹⁶	•	
Hungary	•	•	•	•	
Iceland	•	•	s ⁹⁷	•	
Ireland	•	•	•	•	

89. Signed 31 July 2001.

90. Signed 15 October 1985.

91. Signed 15 November 1996.

92. Signed 7 June 2000.

93. Signed 15 October 1985.

94. Signed 21 January 2000.

95. Signed 29 May 2002.

96. Signed 22 September 1997.

97. Signed 1 February 1995.

	ECHR	ECHR – P1	FCPNM	CLSG	CPPPL
Italy	•	•	•	•	• ⁹⁸
Latvia	•	•	s ⁹⁹	•	
Liechtenstein	•	•	•	•	
Lithuania	•	•	•	•	
Luxembourg	•	•	s ¹⁰⁰	•	
Malta	• ¹⁰¹	•	• ¹⁰²	•	
Netherlands	•	•	s ¹⁰³	•	•
Norway	•	•	•	•	•
Poland	•	•	•	•	
Portugal	•	•	•	•	
Republic of Moldova	•	•	•	•	
Romania	•	•	•	•	
Russian Federation	•	•	•	•	
San Marino	•	•	•		
Serbia and Montenegro	s ¹⁰⁴	s ¹⁰⁵	•		
Slovakia	•	•	•	•	

98. Ratified with the following reservation: “Italy declares, in application of the provisions of Article 1, paragraph 1, of the Convention, that it will confine the application of this instrument to the Chapters ‘A’ and ‘B’.”

99. Signed 11 May 1995.

100. Signed 20 July 1995.

101. Ratified with the following reservation: “...the Constitution of Malta allows such restrictions to be imposed upon public officers with regard to their freedom of expression as are reasonably justifiable in a democratic society. The Code of Conduct of public officers in Malta precludes them from taking an active part in political discussions or other political activity during working hours or on official premises.”

102. Ratified with the following reservation: “The Government of Malta reserves the right not to be bound by the provisions of Article 15 insofar as these entail the right to vote or to stand for election either for the House of Representatives or for Local Councils.”

103. Signed 1 February 1995.

104. Signed 3 April 2003.

105. Signed 3 April 2003.

	ECHR	ECHR – P1	FCPNM	CLSG	CPFPL
Slovenia	•	•	•	•	
Spain	• ¹⁰⁶	•	•	•	
Sweden	•	•	•	•	•
Switzerland	•	s ¹⁰⁷	•	s ¹⁰⁸	
The Former Yugoslav Republic of Macedonia	•	•	•	•	
Turkey	•	•		•	
Ukraine	•	•	•	•	
United Kingdom of Great Britain and Northern Ireland	•	•	•	•	s ¹⁰⁹

106. Ratified with the following reservation to article 11: "...it may be incompatible with Articles 28 and 127 of the Spanish Constitution. Article 127, paragraph 1, specifies that serving judges, law officers and prosecutors may not belong to either political parties or trade unions and provides that legislation shall lay down the system and modalities as to the professional association of these groups."

107. Signed 19 May 1976.

108. Signed 21 January 2004.

109. Signed 5 February 1992.

6.9 Non-Treaty Standards

6.9.1 *Recommendation on the Electoral, Civil and Social Rights of Prisoners (1962)*

A. General Principles

1. The rules set out herein define the effect of detention on the electoral, civil and social rights which the prisoner, untried or convicted, would enjoy if he were free. They constitute examples of the application of common minimum rules.
2. When, in a given State, a person is deprived by law of the rights referred to at Point 1, it is desirable that these rules be taken into consideration should the relevant legislation be modified. In the absence of any national law on a particular point, these rules should be regarded as expressing European legal conscience in that respect.
3. These provisions are founded on the principle that the mere fact of detention does not affect the possession of these rights, but that their exercise may be limited when it is incompatible with the purpose of imprisonment or the maintenance of the order and the security of the prison.
4. Under no circumstances shall the rules set out in this resolution be interpreted as restricting or derogating from the rights and freedoms recognized in the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocol thereto.

B. Electoral Rights

5. If the law allows electors to vote without personally visiting the polling-booth, a detainee shall be allowed this prerogative unless he has been deprived of the right to vote by law or by court order.
6. A prisoner permitted to vote shall be afforded opportunities to inform himself of the situation, in order to exercise his right.

6.9.2 *Recommendation on Measures Concerning Media Coverage of Election Campaigns (1999)*

The principles of fairness, balance and impartiality in the coverage of election campaigns by the media should apply to all types of political elections taking place in member States, that is, presidential, legislative, regional and, where practicable, local elections and political referenda.

These principles should also apply, where relevant, to media reporting on elections taking place abroad, especially when these media address citizens of the country where the election is taking place.

I. Measures concerning the print media

1. Freedom of the press

Regulatory frameworks on media coverage of elections should not interfere with the editorial independence of newspapers or magazines nor with their right to express any political preference.

2. Print media outlets owned by public authorities

Member States should adopt measures whereby print media outlets which are owned by public authorities, when covering electoral campaigns, should do so in a fair, balanced and impartial manner, without discriminating against or supporting a specific political party or candidate.

If such media outlets accept paid political advertising in their publications, they should ensure that all political contenders and parties that request the purchase of advertising space are treated in an equal and non-discriminatory manner.

II. Measures concerning the broadcast media

1. General framework

During electoral campaigns, regulatory frameworks should encourage and facilitate the pluralistic expression of opinions via the broadcast media.

With due respect for the editorial independence of broadcasters, regulatory frameworks should also provide for the obligation to cover electoral campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters. Such an obligation should apply to both public service broadcasters as well as private broadcasters in their relevant transmission areas.

In member States where the notion of "pre-electoral time" is defined under domestic legislation, the rules on fair, balanced, and impartial coverage of electoral campaigns by the broadcast media should also apply to this period.

2. News and current affairs programmes

Where self-regulation does not provide for this, member States should adopt measures whereby public and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates.

No privileged treatment should be given by broadcasters to public authorities during such programmes. This matter should primarily be addressed via appropriate self-regulatory measures. As appropriate, member States might examine whether, where practicable, the relevant authorities monitoring the coverage of elections should be given the power to intervene in order to remedy possible shortcomings.

3. Other programmes

Special care should be taken with programmes other than news or current affairs which are not directly linked to the campaign but which may also have an influence on the attitude of voters.

4. Free airtime for political parties/candidates on public broadcast media

Member States may examine the advisability of including in their regulatory frameworks provisions whereby free airtime is made available to political parties/candidates on public broadcasting services in electoral time.

Wherever such airtime is granted, this should be done in a fair and non-discriminatory manner, on the basis of transparent and objective criteria.

5. Paid political advertising

In member States where political parties and candidates are permitted to buy advertising space for electoral purposes, regulatory frameworks should ensure that:

- the possibility of buying advertising space should be available to all contending parties, and on equal conditions and rates of payment;
- the public is aware that the message is a paid political advertisement.

Member States may consider introducing a provision in their regulatory frameworks to limit the amount of political advertising space which a given party or candidate can purchase.

III. Measures concerning both the print and broadcast media

1. “Day of reflection”

Member States may consider the merits of including a provision in their regulatory frameworks to prohibit the dissemination of partisan electoral messages on the day preceding voting.

2. Opinion polls

Regulatory or self-regulatory frameworks should ensure that the media, when disseminating the results of opinion polls, provide the public with sufficient information to make a judgement on the value of the polls. Such information could, in particular:

- name the political party or other organisation or person which commissioned and paid for the poll;
- identify the organisation conducting the poll and the methodology employed;
- indicate the sample and margin of error of the poll;
- indicate the date and/or period when the poll was conducted.

All other matters concerning the way in which the media present the results of opinion polls should be decided by the media themselves.

Any restriction by member States forbidding the publication/broadcasting of opinion polls (on voting intentions) on voting day or a number of days before the election should comply with Article 10 of the European Convention on Human Rights, as interpreted by the European Court of Human Rights.

Similarly, in respect of exit polls, member States may consider prohibiting reporting by the media on the results of such polls until all polling stations in the country have closed.

3. The right of reply

Given the short duration of an election campaign, any candidate or political party which is entitled to a right of reply under national law or systems should be able to exercise this right during the campaign period.

IV. Measures to protect the media at election time

1. Non-interference by public authorities

Public authorities should refrain from interfering in the activities of journalists and other media personnel with a view to influencing the elections.

2. Protection against attacks, intimidation or other unlawful pressures on the media

Public authorities should take appropriate steps for the effective protection of journalists and other media personnel and their premises, as this assumes a greater significance during elections. At the same time, this protection should not obstruct them in carrying out their work.

The Commonwealth of Independent States (CIS)

The Commonwealth of Independent States (CIS) was formed in December 1991 by the leaders of the Republic of Belarus, the Russian Federation and the Ukraine. Later that month they – along with eleven other former Soviet Union states – unanimously adopted the Alma-Ata Declaration, which confirmed the commitment of the former USSR republics to cooperation in various fields of external and internal policies. CIS decisions are reached through regular summits of heads of state and through the formation of ministerial committees, with all CIS members being equals. The CIS Convention on Human Rights foresees a control mechanism in the form of the Human Rights Commission of the Commonwealth of Independent States. The CIS commission monitors the execution of the convention by issuing recommendations. The members of the commission are appointed representatives of the States Parties.

6.10 Treaty Standards

6.10.1 Commonwealth Convention on Human Rights and Fundamental Freedoms (1995)

Article 11

1. Everyone shall have the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas by any legal means without interference by a public authority and regardless of frontiers.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions and restrictions as are prescribed by law and are necessary in a democratic society, in the interests of national security, public safety or public order or for the protection of the rights and freedoms of others.

Article 12

1. Everyone shall have the right to freedom of peaceful assembly and to freedom of association with others,

6. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order, public health or morals or for the protection of the rights and freedoms of others. This Article shall not preclude the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or by members of the law-enforcement or administrative organs of the State.

Article 29

In accordance with national legislation, everyone shall have the right and opportunity and in the State of which he is a citizen:

- a) to take part in the management and conduct of public affairs, either directly or through freely chosen representatives;
- b) to vote and to be elected at elections held on the basis of universal and equal suffrage by secret ballot, that guarantees the free expression of the will of the voters;
- c) to have access, on general conditions of equality, to the public service of his country.

Article 30

Nothing in Articles 11, 21 and 20 shall be regarded as preventing the Contracting Parties from imposing restrictions on the political activity of alien citizens and stateless persons.

6.11 Matrix on the Status of Ratification of Instruments within the Commonwealth of Independent States

	Human Rights Convention
Armenia	s ¹¹⁰
Azerbaijan	
Belarus	•
Georgia	s ¹¹¹
Kazakhstan	
Kyrgyzstan	s ¹¹²
Republic of Moldova	s ¹¹³
Russian Federation	•
Tajikistan	•
Turkmenistan	
Ukraine	
Uzbekistan	

110 Signed 26 May 1995.

111 Signed 26 May 1995.

112 Signed 26 May 1995.

113 Signed 26 May 1995.

7. Political Commitments

The League of Arab States (LAS)

The League of Arab States was founded in Cairo in 1945 and is a voluntary association of countries whose peoples are mainly Arabic speaking. Its stated purposes are to strengthen ties among the member states, coordinate their policies in the fields of politics, economics, culture and social programmes, and promote their common interests. From just seven founding members the League has grown to a membership of twenty-two, including Palestine, which is considered an independent state. To date there have been no ratifications of the 'Arab Charter on Human Rights'.

7.1 Arab Charter on Human Rights (1994)

Article 19

The people are the source of authority and every citizen of full legal age shall have the right of political participation, which he shall exercise in accordance with the law.

Article 28

All citizens have the right to freedom of peaceful assembly and association. No restrictions shall be placed on the exercise of this right unless so required by the exigencies of national security, public safety or the need to protect the rights and freedoms of others.

The Organisation of the Islamic Conference (OIC)

The Organisation of the Islamic Conference (OIC) was established in September 1969 and comprises 57 states dispersed over four continents, whose population is for the most part Islamic. The Organisation's aims include promoting cooperation among its member states in the political, economic, social, cultural and scientific fields, safeguarding Islamic holy places and working towards eradication of racial discrimination and colonialism.

7.2 Cairo Declaration on Human Rights in Islam (1990)

Article 22

- (a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah.
- (c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical Values or disintegrate, corrupt or harm society or weaken its faith.
- (d) It is not permitted to excite nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination.

Article 23

- (b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

Article 24:

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.

Article 25:

The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

The Commonwealth

Formerly known as the British Commonwealth of Nations, the Commonwealth is a loose association of former British colonies, dependencies and other territories – and Mozambique, which has no historical ties to Britain. The British monarch is the Head of the Commonwealth. The Commonwealth has no constitution or charter, but members commit themselves to the statements of beliefs set out by Heads of Government. The fundamental political values underpinning the Commonwealth include democracy and good governance, respect for human rights and gender equality, the rule of law, and sustainable economic and social development.

7.3 Harare Commonwealth Declaration (1991)

4. We believe in [...] equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives;
9. We pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:
 - the protection and promotion of the fundamental political values of the Commonwealth:
 - democracy, democratic processes and institutions which reflect national circumstances;
 - fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
 - equality for women, so that they may exercise their full and equal rights.

7.4 Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice (1979)

We affirm that there should be no discrimination based on race, colour, sex, descent or national or ethnic origin in the acquisition or exercise of the right to vote;

The Organisation for Security and Co-operation in Europe (OSCE)

The Organisation for Security and Co-operation in Europe (OSCE) was founded in 1972 under the name of the Conference for Security and Co-operation in Europe, as a multilateral forum for dialogue and negotiation between East and West. Its name was changed in 1994. All participating states have equal status and are represented on the basis of common interest and common OSCE commitments. Decisions are reached by consensus, except in the case of “clear, gross and uncorrected violations” of OSCE commitments by a member country. The Office for Democratic Institutions and Human Rights of the OSCE is located in Warsaw and is responsible for the promotion of human rights and democracy in the OSCE area. The Office for Democratic Institutions and Human Rights (ODIHR) serves as the OSCE’s focal point for all election-related matters, including election observation, technical assistance, and the review of electoral legislation. OSCE commitments require participating states to invite other participating states to observe their elections, and the ODIHR provides the methodology and co-ordination framework for such observation.

7.5 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990)

- (3) They [participating states] reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.
- (5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:
 - (5.1) free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;
 - (5.2) a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;
 - (5.4) a clear separation between the State and political parties; in particular, political parties will not be merged with the State;

- (6) The participating States declare 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. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.
- (7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will
 - (7.1) hold free elections at reasonable intervals, as established by law;
 - (7.2) permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
 - (7.3) guarantee universal and equal suffrage to adult citizens;
 - (7.4) ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
 - (7.5) respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
 - (7.6) respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
 - (7.7) ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
 - (7.8) provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

- (7.9) ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.
- (10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection, the participating States express their commitment to
- (10.1) respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information;
- (10.3) ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups;

7.6 Charter of Paris for a New Europe (1990)

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Everyone also has the right: [...] to participate in free and fair elections,

7.7 Istanbul Summit Declaration (1999)

26. With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commitments. This is the only way in which there can be a stable basis for democratic development. We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We are committed to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

7.8 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (1991)

- 40) The participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. In this context they will [...]
- (40.8) encourage and promote equal opportunity for full participation by women in all aspects of political and public life, in decision-making processes and in international co-operation in general;

The European Union (EU)

The European Union is a treaty-based, institutional framework that defines and manages economic and political cooperation among its twenty-five European member countries. It was established by six countries in 1951 as the European Coal and Steel Community.

7.9 Charter of Fundamental Rights of the European Union (2000)

Article 11 Freedom of Expression and Information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Article 12 Freedom of Assembly and of Association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters,
2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Article 39 Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.
2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Article 40 Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

7.10 Commission Communication on EU Election Assistance and Observation (2000)

Elections do not equate to democracy but they are an essential step in the democratisation process and an important element in the full enjoyment of a wide range of human rights. Elections are human rights events for two reasons. First because they give voice to the political will of the people. Secondly because to be truly free and fair they must be conducted in an atmosphere which is respectful of human rights.

The development co-operation policy of the European Community is centred on human beings and is closely linked to the enjoyment of their fundamental rights and freedoms as well as on the recognition and application of democratic principles, the consolidation of the rule of law and good governance. In the case of elections, good governance refers to an appropriate legislative and regulatory framework, as well as to a transparent and accountable election administration – including independent supervision and monitoring – that ensures the respect for the rule of law. An informed people, owning the electoral process, is the key factor in this context.

7.11 Communication from the Commission to the Council and the European Parliament – the European Union’s Role in Promoting Human Rights and Democratisation in Third Countries (2001)

The Commission’s action in the field of external relations will be guided by compliance with the rights and principles contained in the EU Charter of Fundamental Rights.¹¹⁴

7.12 Cotonou Agreement (between EU and ACP Partner Countries)

Article 9: Essential Elements and Fundamental Element

1. Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

2. The Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human

dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter-related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.

The Parties reaffirm that democratisation, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its democratic culture.

The structure of government and the prerogatives of the different powers shall be founded on rule of law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law.

Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement.

3. In the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.

Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement. The Parties agree that only serious cases of corruption, including acts of bribery leading to such corruption, as defined in Article 97 constitute a violation of that element.

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regu-

lar assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

114. See also Council Conclusion on the Commission Communication on Election Assistance and Observation adopted by the Development Council on 31.05.2001, Doc 9990/01 (PESC/DEVGGEN103/COHOM17), and European Parliament Resolution of 5-6 February 2001 and Report of 14 February (A5-0060/2001).

The Economic Community of West African States (ECOWAS)

The Economic Community of West African States (ECOWAS) was established in May 1975 to promote trade, co-operation and self-reliance in West Africa. A revised ECOWAS treaty, designed to accelerate economic integration and to increase political co-operation was signed in July 1993. The revised treaty designates the achievement of a common market and a single currency as economic objectives, while in the political sphere it envisages the establishment of a West African parliament, an economic and social council and an ECOWAS court of justice to enforce Community decisions.

7.13 Declaration of Political Principles of the Economic Community of West African States (1991)

4. We will respect human rights and fundamental freedoms in all their plenitude including in particular freedom of thought, conscience, association, religion or belief for all our peoples without distinction as to race, sex, language or creed.
5. We will promote and encourage the full enjoyment by all our peoples of their fundamental human rights, especially their political, economic, social, cultural and other rights inherent in the dignity of the human person and essential to his free and progressive development.
6. We believe in the liberty of the individual and in his inalienable right to participate by means of free and democratic processes in the framing of the society in which he lives. We will therefore strive to encourage and promote in each our countries, political pluralism and those representative institutions and guarantees for personal safety and freedom under the law that are our common heritage.

7.14 Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (2001)

Article 1

The following shall be declared as constitutional principles shared by all Member States: [...]

- b) Every accession to power must be made through free, fair and transparent elections.
- d) Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance.
- e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.
- h) The rights set out in the African Charter on Human and Peoples' Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States;
- i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations. They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed. Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.
- j) The freedom of association and the right to meet and organize peaceful demonstrations shall also be guaranteed.
- k) The freedom of the press shall be guaranteed.

Article 2

1. No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.
2. All the elections shall be organized on the dates or at periods fixed by the Constitution or the electoral laws.
3. Member States shall take all appropriate measures to ensure that women have equal rights with men to vote and be voted for in elections, to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.

Article 3

The bodies responsible for organizing the elections shall be independent or neutral and shall have the confidence of all the political actors. Where necessary, appropriate national consultations shall be organized to determine the nature and the structure of the bodies.

Article 4

1. Each ECOWAS Member State shall ensure the establishment of a reliable registry of births and deaths. A central registry shall be established in each Member State.
2. Member States shall cooperate in this area with a view to exchanging experiences and where necessary providing technical assistance to each other in the production of reliable voters' lists.

Article 5

The voters' lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises.

Article 6

The preparation and conduct of elections and the announcement of results shall be done in a transparent manner.

Article 7

Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results.

Article 8

Member States shall use the services of civil society organizations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.

Article 9

The party and/or candidate who loses the elections shall concede defeat to the political party and/or candidate finally declared the winner, following the guidelines and within the deadline stipulated by the law.

Article 10

All holders of power at all levels shall refrain from acts of intimidation or harassment against defeated candidates or their supporters.

Article 20

2. The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

Article 22

1. The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorized.

8. Other Initiatives

The Inter-Parliamentary Union

The Inter-Parliamentary Union was established in 1889 and is the international organisation of parliaments of sovereign states. Over 130 national parliaments are currently members of the IPU. Its aims include contributing to the defence and promotion of human rights and fostering contacts among parliaments and parliamentarians.

8.1 Declaration on Criteria for Free and Fair Elections (1994)

1. *Free and Fair Elections*

In any State the authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage.

2. *Voting and Elections Rights*

- (1) Every adult citizen has the right to vote in elections, on a non-discriminatory basis.
- (2) Every adult citizen has the right to access to an effective, impartial and non-discriminatory procedure for the registration of voters.
- (3) No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the State's obligations under international law.
- (4) Every individual who is denied the right to vote or to be registered as a voter shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.

- (5) Every voter has the right to equal and effective access to a polling station in order to exercise his or her right to vote.
- (6) Every voter is entitled to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others.
- (7) The right to vote in secret is absolute and shall not be restricted in any manner whatsoever.

3. *Candidature, Party and Campaign Rights and Responsibilities*

- (1) Everyone has the right to take part in the government of their country and shall have an equal opportunity to become a candidate for election. The criteria for participation in government shall be determined in accordance with national constitutions and laws and shall not be inconsistent with the State's international obligations.
- (2) Everyone has the right to join, or together with others to establish, a political party or organization for the purpose of competing in an election.
- (3) Everyone individually and together with others has the right:
 - To express political opinions without interference;
 - To seek, receive and impart information and to make an informed choice;
 - To move freely within the country in order to campaign for election;
 - To campaign on an equal basis with other political parties, including the party forming the existing government.
- (4) Every candidate for election and every political party shall have an equal opportunity of access to the media, particularly the mass communications media, in order to put forward their political views.
- (5) The right of candidates to security with respect to their lives and property shall be recognized and protected.
- (6) Every individual and every political party has the right to the protection of the law and to a remedy for violation of political and electoral rights.
- (7) The above rights may only be subject to such restrictions of an exceptional nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others and provided they are consistent with States' obligations under international law. Permissible restrictions on candidature, the creation and activity of political parties and campaign rights shall not be applied so as to violate the principle of non-discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- (8) Every individual or political party whose candidature, party or campaign rights are denied or restricted shall be entitled to appeal to a jurisdiction

competent to review such decisions and to correct errors promptly and effectively.

- (9) Candidature, party and campaign rights carry responsibilities to the community. In particular, no candidate or political party shall engage in violence.
- (10) Every candidate and political party competing in an election shall respect the rights and freedoms of others.
- (11) Every candidate and political party competing in an election shall accept the outcome of a free and fair election.

4. *The Rights and Responsibilities of States*

- (1) States should take the necessary legislative steps and other measures, in accordance with their constitutional processes, to guarantee the rights and institutional framework for periodic and genuine, free and fair elections, in accordance with their obligations under international law. In particular, States should:
 - Establish an effective, impartial and non-discriminatory procedure for the registration of voters;
 - Establish clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such provisions are applied without distinction of any kind;
 - Provide for the formation and free functioning of political parties, possibly regulate the funding of political parties and electoral campaigns, ensure the separation of party and State, and establish the conditions for competition in legislative elections on an equitable basis;
 - Initiate or facilitate national programmes of civic education, to ensure that the population are familiar with election procedures and issues;
- (2) In addition, States should take the necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals, including through the establishment of a neutral, impartial or balanced mechanism for the management of elections. In so doing, they should, among other matters:
 - Ensure that those responsible for the various aspects of the election are trained and act impartially, and that coherent voting procedures are established and made known to the voting public;
 - Ensure the registration of voters, updating of electoral rolls and balloting procedures, with the assistance of national and international observers as appropriate;
 - Encourage parties, candidates and the media to accept and adopt a Code of Conduct to govern the election campaign and the polling period;

- Ensure the integrity of the ballot through appropriate measures to prevent multiple voting or voting by those not entitled thereto;
 - Ensure the integrity of the process for counting votes.
- (3) States shall respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction. In time of elections, the State and its organs should therefore ensure:
 - That freedom of movement, assembly, association and expression are respected, particularly in the context of political rallies and meetings;
 - That parties and candidates are free to communicate their views to the electorate, and that they enjoy equality of access to State and public-service media;
 - That the necessary steps are taken to guarantee non-partisan coverage in State and public-service media.
 - (4) In order that elections shall be fair, States should take the necessary measures to ensure that parties and candidates enjoy reasonable opportunities to present their electoral platform.
 - (5) States should take all necessary and appropriate measures to ensure that the principle of the secret ballot is respected, and that voters are able to cast their ballots freely, without fear or intimidation.
 - (6) Furthermore, State authorities should ensure that the ballot is conducted so as to avoid fraud or other illegality, that the security and the integrity of the process is maintained, and that ballot counting is undertaken by trained personnel, subject to monitoring and/or impartial verification.
 - (7) States should take all necessary and appropriate measures to ensure the transparency of the entire electoral process including, for example, through the presence of party agents and duly accredited observers.
 - (8) States should take the necessary measures to ensure that parties, candidates and supporters enjoy equal security, and that State authorities take the necessary steps to prevent electoral violence.
 - (9) States should ensure that violations of human rights and complaints relating to the electoral process are determined promptly within the timeframe of the electoral process and effectively by an independent and impartial authority, such as an electoral commission or the courts.

The European Commission on Democracy through Law (Venice Commission)

The Venice Commission is composed of “independent experts who have achieved international fame through their experience in democratic institutions or by their contribution to the enhancement of law and political science”. The members are mainly senior academics, particularly in the fields of constitutional or international law, supreme or constitutional court judges, national members of parliament and senior public officials. The Commission’s primary task is to assist and advise individual countries in constitutional matters.

8.2 Guidelines on Elections (2002)

I. Principles of Europe’s electoral heritage

The five principles underlying Europe’s electoral heritage are *universal, equal, free, secret and direct suffrage*. Furthermore, elections must be held at regular intervals.

1. *Universal suffrage*

- a. Universal suffrage means in principle that all human beings have the right to vote and to stand for election. This right may, however, and indeed should, be subject to certain conditions:

Age

- i. The right to vote and to be elected must be subject to a minimum age.
- ii. The right to vote must be acquired, at the latest, at the age of majority.
- iii. The right to stand for election should preferably be acquired at the same age as the right to vote and in any case not later than the age of 25, except where there are specific qualifying ages for certain offices (e.g. member of the upper house of parliament, Head of State).

Nationality

- i. A nationality requirement may apply.
- ii. However, it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence.

Residence

- i. A residence requirement may be imposed.
- ii. Residence in this case means habitual residence.
- iii. A length of residence requirement may be imposed on nationals solely for local or regional elections.
- iv. The requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities.
- v. The right to vote and to be elected may be accorded to citizens residing abroad.

Deprivation of the right to vote and to be elected

- i. Provision may be made for depriving individuals of their right to vote and to be elected, but only subject to the following cumulative conditions:
 - ii. It must be provided for by law.
 - iii. The proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them.
 - iv. The deprivation must be based on mental incapacity or a criminal conviction for a serious offence.
 - v. Furthermore, the withdrawal of political rights or finding of mental incapacity may only be imposed by express decision of a court of law.

b. Electoral registers

Fulfilment of the following criteria is essential if electoral registers are to be reliable:

- i. Electoral registers must be permanent.
- ii. There must be regular up-dates, at least once a year. Where voters are not registered automatically, registration must be possible over a relatively long period.
- iii. Electoral registers must be published.
- iv. There should be an administrative procedure – subject to judicial control – or a judicial procedure, allowing for the registration of the voter who was not registered; the registration should not take place at the polling station on election day.
- v. A similar procedure should allow the voter to have incorrect inscriptions amended.
- vi. A supplementary register may be a means of giving the vote to persons who have moved or reached statutory voting age since final publication of the register.

- c. Submission of candidatures
 - i. The presentation of individual candidates or lists of candidates may be made conditional on the collection of a minimum number of signatures.
 - ii. The law should not require collection of the signatures of more than 1% of voters in the constituency concerned.
 - iii. Checking of signatures must be governed by clear rules, particularly concerning deadlines.
 - iv. The checking process must in principle cover all signatures; however, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked.
 - v. Validation of signatures must be completed by the start of the election campaign.
 - vi. If a deposit is required, it must be refundable should the candidate or party exceed a certain score; the sum and the score requested should not be excessive.

2. *Equal suffrage*

This entails:

- a. Equal voting rights: each voter has in principle one vote; where the electoral system provides voters with more than one vote, each voter has the same number of votes.
- b. Equal voting power: seats must be evenly distributed between the constituencies.
 - i. This must at least apply to elections to lower houses of parliament and regional and local elections:
 - ii. It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged.
 - iii. The geographical criterion and administrative, or possibly even historical, boundaries may be taken into consideration.
 - iv. The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).
 - v. In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.
 - vi. With multi-member constituencies, seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries.

- vii. When constituency boundaries are redefined – which they must be in a single-member system – it must be done:
 - impartially;
 - without detriment to national minorities;
 - taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities.

- c. Equality of opportunity
 - a. Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to:
 - i. the election campaign;
 - ii. coverage by the media, in particular by the publicly owned media;
 - iii. public funding of parties and campaigns.
 - b. Depending on the subject matter, equality may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections. Equality of opportunity applies in particular to radio and television air-time, public funds and other forms of backing.
 - c. In conformity with freedom of expression, legal provision should be made to ensure that there is a minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections.
 - d. Political party, candidates and election campaign funding must be transparent.
 - e. The principle of equality of opportunity can, in certain cases, lead to a limitation of political party spending, especially on advertising.

- d. Representation of national minorities
 - a. Parties representing national minorities must be permitted.
 - b. Special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement) do not in principle run counter to equal suffrage.
 - c. Neither candidates nor voters must find themselves obliged to reveal their membership of a national minority.

e. Equal representation of the sexes

Legal rules requiring a minimum percentage of persons of each gender among candidates should not be considered as contrary to the principle of equal suffrage if they have a constitutional basis.

3. *Free suffrage*

- a. Freedom of voters to form an opinion
 - a. State authorities must observe their duty of neutrality. In particular, this concerns:
 - i. media;
 - ii. billposting;
 - iii. the right to demonstrate;
 - iv. funding of parties and candidates.
 - b. The public authorities have a number of positive obligations; inter alia, they must:
 - i. submit the candidatures received to the electorate;
 - ii. enable voters to know the lists and candidates standing for election, for example through appropriate posting.
 - iii. The above information must also be available in the languages of the national minorities.
 - c. Sanctions must be imposed in the case of breaches of duty of neutrality and voters' freedom to form an opinion.

- b. Freedom of voters to express their wishes and action to combat electoral fraud
 - i. Voting procedures must be simple.
 - ii. Voters should always have the possibility of voting in a polling station. Other means of voting are acceptable under the following conditions:
 - iii. Postal voting should be allowed only where the postal service is safe and reliable; the right to vote using postal votes may be confined to people who are in hospital or imprisoned or to persons with reduced mobility or to electors residing abroad; fraud and intimidation must not be possible.
 - iv. Electronic voting should be used only if it is safe and reliable; in particular, voters should be able to obtain a confirmation of their votes and to correct them, if necessary, respecting secret suffrage; the system must be transparent.
 - v. Very strict rules must apply to voting by proxy; the number of proxies a single voter may hold must be limited.
 - vi. Mobile ballot boxes should only be allowed under strict conditions, avoiding all risks of fraud.

- vii. Two criteria should be at least used to assess the accuracy of the outcome of the ballot: the number of votes cast and the number of voting slips placed in the ballot box.
- viii. Voting slips must not be tampered with or marked in any way by polling station officials.
- ix. Unused voting slips must never leave the polling station.
- x. Polling stations must include representatives of a number of parties, and the presence of observers appointed by the candidates must be permitted during voting and counting.
- xi. Military personnel should vote at their place of residence whenever possible. Otherwise, it is advisable that they be registered to vote at the polling station nearest to their duty station.
- xii. Counting should preferably take place in polling stations.
- xiii. Counting must be transparent. Observers, candidates' representatives and the media must be allowed to be present. These persons must also have access to the records.
- xiv. Results must be transmitted to the higher level in an open manner.
- xv. The state must punish any kind of electoral fraud.

4. *Secret suffrage*

- a. For the voter, secrecy of voting is not only a right but also a duty, non-compliance with which must be punishable by disqualification of any ballot paper whose content is disclosed.
- b. Voting must be individual. Family voting and any other form of control by one voter over the vote of another must be prohibited.
- c. The list of persons actually voting should not be published.
- d. The violation of secret suffrage should be sanctioned.

5. *Direct suffrage*

The following must be elected by direct suffrage:

- i. at least one chamber of the national parliament;
- ii. sub-national legislative bodies;
- iii. local councils.

6. *Frequency of elections*

Elections must be held at regular intervals; a legislative assembly's term of office must not exceed five years.

7. *Electoral system*

Within the respect of the above-mentioned principles, any electoral system may be chosen.

II. *Conditions for implementing these principles*

1. *Respect for fundamental rights*

- a. Democratic elections are not possible without respect for human rights, in particular freedom of expression and of the press, freedom of circulation inside the country, freedom of assembly and freedom of association for political purposes, including the creation of political parties.
- b. Restrictions of these freedoms must have a basis in law, be in the public interest and comply with the principle of proportionality.

2. *Regulatory levels and stability of electoral law*

- a. Apart from technical and detail rules – which may be included in regulations of the executive –, rules of electoral law must have at least the rank of a statute.
- b. The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.

3. *Procedural guarantees*

- a. Electoral commissions
 - a. An impartial body must be in charge of applying electoral law.
 - b. Where there is no longstanding tradition of administrative authorities' independence from those holding political power, independent, impartial electoral commissions must be set up at all levels, from the national level to polling station level.
 - c. The central electoral commission must be permanent in nature.
 - d. It should include:
 - i. at least one member of the judiciary;
 - ii. representatives of parties already in parliament or having scored at least a given percentage of the vote; these persons must be qualified in electoral matters.
 It may include:
 - iii. a representative of the Ministry of the Interior;
 - iv. representatives of national minorities.

- e. Political parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body. Equality may be construed strictly or on a proportional basis (see point I.2.c.bb).
 - f. The bodies appointing members of electoral commissions must not be free to dismiss them at will.
 - g. Members of electoral commissions must receive standard training.
 - h. It is desirable that electoral commissions take decisions by a qualified majority or by consensus.
- b. Observation of elections
- a. Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.
 - b. Observation must not be confined to election day itself, but must include the registration period of candidates and, if necessary, of electors, as well as the electoral campaign. It must make it possible to determine whether irregularities occurred before, during or after the elections. It must always be possible during vote counting.
 - c. The places where observers are not entitled to be present should be clearly specified by law.
 - d. Observation should cover the respect by the authorities of their duty of neutrality.
- c. An effective system of appeal
- a. The appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in first instance. In any case, final appeal to a court must be possible.
 - b. The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals.
 - c. The appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative). Neither the appellants nor the authorities should be able to choose the appeal body.
 - d. The appeal body must have authority in particular over such matters as the right to vote – including electoral registers – and eligibility, the validity of candidatures, proper observance of election campaign rules and the outcome of the elections.
 - e. The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station.

In the event of annulment, a new election must be called in the area concerned.

- f. All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections.
- g. Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance).
- h. The applicant's right to a hearing involving both parties must be protected.
- i. Where the appeal body is a higher electoral commission, it must be able *ex officio* to rectify or set aside decisions taken by lower electoral commissions.

The Association of Central and Eastern European Election Officials (ACEEEO)

The Association of Central and Eastern European Election Officials (ACEEEO) was founded in 1991 by senior election officials, government and civic education leaders, and academics and has met nearly every year since its inception. The mission of the ACEEEO is to provide a non-partisan forum, independent of national governments, for the exchange of information among election officials and experts throughout the region covered by the Association to discuss and act upon ways to promote open and transparent elections with the objective of supporting good governance and democracy.

8.3 Draft Convention on Election Standards, Electoral Rights and Freedoms (2002). Endorsed by the Parliamentary Assembly of the Commonwealth of Independent States

Article 1 Election Standards

1. The Parties believe that democratic elections are one of the supreme direct expressions of the power and will of the people, the basis of election of elective bodies and elective officials.
2. The Parties recognize that the election standards are the following:
 - 2.1. the right to elect and be elected to bodies of state power and bodies of local administration (bodies of local self-government), other bodies of popular (national) representation, elective state and municipal offices;
 - 2.2. free, periodic and mandatory, fair, genuine, free, open and public elections;
 - 2.3. participation in elections based on universal and equal suffrage, held by secret vote or by equivalent forms ensuring free expression of the voters' will;
 - 2.4. guarantees of realization as well as the judicial and other protection of the electoral rights and freedoms of a human being and a citizen;
 - 2.5. effective public control over and impartial international monitoring of elections.

Article 2 Free Elections

1. The supremacy of the constitution, other fundamental laws of a state, laws shall be the legal basis for holding free elections in accordance with the universally accepted principles and norms of international law, international treaties.
2. Elections shall be held on the basis of the constitution and also other statutory acts which are adopted by duly authorized bodies, officials and enter into force before the beginning of the election campaign so as to assure equal legal conditions and possibilities of full-fledged participation in elections to all election participants.
3. Observance of the principle of free elections makes it possible for voters and other election participants to choose, without coercion, threat of coercion or any other unlawful influence, whether to participate or not to participate in elections in the forms allowed by law and by lawful methods, without fear of punishment, influence or compulsion, specifically, depending on voting and election results.
4. Participation of a citizen in elections shall be free and voluntary. Nobody shall influence a citizen to compel him to participate or not to participate in elections and/or electoral actions (procedures). Nobody shall compel a voter to vote for or against any definite candidate (candidates), any definite list of candidates of a political party (coalition) or prevent a voter from freely expressing his will. No voter shall be compelled by anybody to declare how he intends to vote or has voted. It shall not be allowed to gather and/or publish (disseminate) personal information about voters who have or have not taken part in the voting.
5. Each voter shall be entitled to equal and free access to an election precinct and a polling station in order to exercise his right to participation in free voting.
6. The obligation of a citizen to participate in the voting laid down by the constitution and/or law does not constitute a restriction on the realization of the principle of free elections.
7. Foreign nationals, foreign legal entities, international political movements shall not be allowed to unlawfully participate in any activity with the calling and holding of elections, in the funding (including donation of funds) of the election campaign of candidates, political parties (coalitions) intending to participate or participating in elections, in the activity of other organizations which are directly or indirectly associated with a political party (coalition) or are under its influence or control and contribute to the achievement of the aims of a political party (coalition) in the course of the preparation and holding of elections.

Article 3 Periodic and Mandatory Elections

1. The Parties believe that elections must be held at reasonable intervals established by the constitution and/or law so that election of elective bodies and elective officials should be always based on the free will of the people (voters). As a rule, the period of powers of a legislative (representative) body, other representative bodies shall not exceed five years.
2. The time of the beginning and end of voting in elections as well as the duration of the voting period shall be established so as to provide the most favourable and equal legal conditions for the expression of the will of all voters.
3. No actions shall be taken or calls made that incite or aim to incite disruption, cancellation or postponement of elections called and held in accordance with the constitution and/or laws.
4. When a state of emergency or martial law has been imposed over the entire territory of a country or in some of its areas the constitution or laws may impose restrictions on the electoral rights and freedoms with the indication of their scope and period, and the date of elections may be postponed.

Article 4 Genuine Elections

1. Observance of the principle of genuine elections ensures determination of a freely expressed will of voters and its direct realization.
2. Genuine elections shall provide to voters a real and law-based possibility to elect candidates, lists of candidates of political parties (coalitions). In genuine elections there is real political pluralism, ideological diversity and a multi-party system realized through the functioning of political parties (coalitions) whose lawful activity is under the legal protection of the state.
3. In genuine elections voters shall have timely and free access to the information about candidates (lists of candidates), political parties (coalitions) and about the electoral process and a candidate (candidates), political parties (coalitions) shall have access to the mass media and telecommunications media on equal legal conditions.
4. Electoral actions and procedures shall be carried out in the procedure and within the periods that allow candidates, political parties (coalitions) and other election participants to organize a full-fledged election propaganda campaign.
5. Genuine elections shall ensure fair legal conditions for nomination, registration, refusal or cancellation of registration of candidates, lists of candidates of political parties (coalitions) and for participation of all political parties (coalitions) in the election campaign. Requirements to registration shall be established in good time before the commencement of the election campaign; they shall be clear, definite, free from any conditions which may serve as a basis for discriminatory restrictions or possible abuses and shall be applied in a uniform manner.

6. Each candidate and each political party (coalition) participating in elections shall be able to file complaints about violations of the election laws and appeal voting and election results in courts and/or other bodies in the procedure and within the period established by laws.
7. Elected persons who received the required number of votes, established by the constitution and/or laws, shall duly assume office in the procedure and within the period established by the constitution and/or laws, thereby admitting their responsibility to voters, and shall remain in office until the period of their powers expires or these powers are terminated otherwise in the procedure regulated by the constitution, laws in accordance with the democratic parliamentary and constitutional procedures.

Article 5 Fair Elections

1. Observance of the principle of fair elections ensures equal legal conditions to all election participants.
2. Fair elections shall guarantee:
 - 2.1. universal and equal suffrage;
 - 2.2. equal legal conditions for participation of each candidate or each political party (coalition) in an election campaign;
 - 2.4. honest performance of electoral actions and electoral procedures provided for by laws, specifically during voting and vote counting; rapid provision of full information about all voting results, beginning from the level of election precincts, including provision of the possibility for observers to receive official copies of protocols of voting and/or election results from election bodies with subsequent official publication of all voting and election results within a reasonable time;
 - 2.5. organization of the electoral process by impartial election bodies (other bodies duly authorized therefore by law), working collectively, openly, publicly and independently within the scope of competence and powers granted to them by the constitution and/or laws;
 - 2.6. quick and effective adjudication by courts and other bodies and officials, duly authorized by law, of complaints and statements about violation of election laws, including violation of the electoral rights and freedoms of a human being and a citizen, a candidate (candidates), political parties (coalitions) and other election participants, within the time frame of various stages and procedures of the electoral process.

Article 6 Open and Public Elections

1. Elections shall be prepared and held openly and publicly.
2. Decisions of bodies and officials, which are adopted within the scope of their competence and relate to the calling, preparation and administration of elections, the assurance and protection of the electoral rights and freedoms of election participants, shall be officially published or made known to the general public by other methods in the procedure and within the period established by laws.
3. Statutory acts affecting the electoral rights, freedoms and obligations of a human being and a citizen shall not be applicable until they are officially published.
4. Statutory acts which restrict the electoral rights and freedoms of a citizen and do not conflict with the international obligations of a state shall have no retroactive legal force.
5. Observance of the principle of open and public elections must ensure creation of legal conditions for the exercise of effective public control over, and for impartial international monitoring of, elections.
6. Realization of the principle of open and public elections shall not extend to the secrecy of will expression and voting of a voter.

Article 7 Official Language of Elections

Elections shall be called, prepared and administered with the use of the national language and, in the cases and in the procedure established by the constitution and/or laws, other statutory acts, also with the use of official languages of the parts of the territory of a state, languages of small peoples and nationalities, national minorities and ethnic groups in the territories of their compact settlement.

Article 8 Universal Suffrage

1. Observance of the principle of universal suffrage means the following:
 - 1.1. each citizen who has attained to the age established by the constitution and/or law has the right to elect and be elected to the bodies of state power and local self-government, other bodies of popular (national) representation, elective offices on the terms and in the order provided for by the constitution and/or laws, other statutory acts and this right is realized irrespective of any discriminatory restrictions and privileges, including those based on physical or other disabilities (infirmities) of a person (invalidity, etc.). The right to elect may be granted to a person who has attained to the age of majority, when the person is able independently and in the full degree exercise his rights and discharge his duties; the right to be elected may be granted upon attainment to the aforementioned age but such age shall not be older than 25 years unless otherwise provided by the constitution and/or laws with respect to candidates for certain elective offices,

in particular, the office of Head of the State and/or the highest-ranking official of a territorial unit within a federative (federal) state, candidates to parliaments;

- 1.2. possibility and/or mandatory possession of the citizenship;
 - 1.3. residence of the voter in the territory where the elections are held; the requirement to the period of residence may be imposed only at regional and/or local elections and such period of residence shall not exceed six months, unless a longer and more reasonable period is established to assure electoral rights of the representatives of national minorities and/or ethnic groups of voters, voters of the given territory as a whole;
 - 1.4. the right to elect and be elected is enjoyable by citizens who lawfully reside (stay) outside the territory of their state;
 - 1.5. everyone has the right of free access to an effective, impartial and equitable procedure of state registration of voters or other voter registration established by law, on the basis of the documents and information indicated in laws and to the documentary information about himself (personal data), including such information on computer-readable media, the right to correct this information to ensure its completeness and accuracy, and also the right to know who and why uses or have used this information, to whom it has been supplied. A voter has a guaranteed right to receive information about his inclusion on a voter list and appeal, in a court and/or in some other procedure established by law, the refusal to include him on, or his removal from, a voter list or any inaccuracy in the information about voters. Registration of voters may be carried out on a permanent (regular) basis and the information about voters shall be updated at least once a year or within other reasonable periods conditioned by the nature of the voter registration procedure and its realization. Voter lists shall be made available for examination and additional correction. Voters who settled down in the territory of an election precinct after the voter lists had been made available for examination and voters who were not put on the voter list without any valid reasons shall be additionally included by the election body on the voter list (or additional voter list);
 - 1.6. the right to elect and be elected shall not be enjoyable by persons who have not attained to the age established by the constitution and/or laws. The electoral rights and freedoms, including the right to elect and/or be elected, may be restricted by law for persons pronounced by a court to be incapable and persons serving a criminal sentence which has come into legal force.
2. Neither shall discriminatory restrictions, such as non-inclusion on voter lists or in other electoral documents, be allowed in respect of persons who do not have the minimum educational level, do not speak the national language or on

other similar grounds and such persons shall not be prevented from the exercise of their right of access to documentary information (personal data) about themselves.

Article 9 Equal Suffrage

1. Observance of the principle of equal suffrage means the following:
 - 1.1. each voter has one vote or the same number of votes as other voters; his vote has the same weight as votes of other voters and the equal weight of a voter's vote cannot be affected by the electoral system used in the state;
 - 1.2. when voting is conducted on the basis of (single-mandate and/or multi-mandate) territorial constituencies and election precincts these constituencies and precincts shall be formed on a fair basis, so that voting results should reflect most accurately and fully the will of the voters who participated in the voting. One of the principles to be used in the formation of constituencies and precincts may be the equal number of voters, with a minimum allowable deviation from an average representation quota for a constituency and with due regard to compact settlement of national minorities and ethnic groups;
 - 1.3. all citizens shall have equal legal conditions for nomination of their candidatures at elections and for participation in nomination of candidates.
2. Voters shall vote in election precincts at polling stations equipped for voting by election bodies.
3. In the cases and in the procedure provided for by law a voter may be given an opportunity to exercise his right to elect using such forms of voting as voting outside a polling station, postal voting, voting on the basis of an absentee certificate, early voting, voting on the basis of a power of attorney or other forms of voting which assure maximum convenience to voters, including persons with physical and other disabilities (infirmities) or persons staying at a hospital, at an old people's home or at some other place where they stay temporarily or permanently, and free and secret personal expression of their will.
4. A candidate shall not take advantage of his position or official status to gain election and for nomination and/or election of other candidates, lists of candidates. The list of violations of the principle of equal suffrage and the responsibility for such violations are established by law.

Article 10 Direct Suffrage

1. Observance of the principle of direct suffrage means that at elections to the national legislative body (parliament), regional, local and other representative bodies voters directly vote for the candidate, candidates, list of candidates they want to be elected or against the candidate, candidates, list of candidates.

2. All deputy mandates of one of the chambers of the national legislative body (parliament) shall be open to free competition between candidates and/or lists of candidates in the course of general elections.
3. If the parliament consists of two chambers and some of or all mandates of the other chamber of the parliament are not open to free competition between candidates and/or lists of candidates in the course of general elections and also if elective offices are not filled directly in the course of general elections, this does not contradict the provisions of this Convention.

Article 11 Secret Voting and Other Equivalent Forms Guaranteeing Freedom of Voting

1. The rights of citizens to secret voting shall not be restricted or infringed in any way and by anything.
2. Elections shall be held by secret voting or by other equivalent forms of voting which ensure free and secret expression of the voter's will.
3. Observance of the principle of secret and free voting in the forms established by law means exclusion of any kind of control whatsoever over the expression of voters' will and provision of equal legal conditions for making a free choice between candidates, lists of candidates of political parties (coalitions).

Article 12 Assurance of Equal Legal Conditions and Additional Possibilities for Participation in Elections

1. The Parties recognize the need to take further measures, including legislative measures, to assure to women fair and real legal conditions, equal to those enjoyed by men, for realization of the right to elect and be elected to elective bodies and elective offices both personally and as a candidate (on the list of candidates) of a political party (coalition) in accordance with the conditions and procedure provided for by the constitution and/or laws, other statutory acts.
2. The Parties also recognize the need to take further measures, including legislative measures, to guarantee persons with physical and other disabilities (infirmities) and other categories of the population (representatives of indigenous and small peoples, nationalities, other national minorities, ethnic groups) additional conditions, if they need them, for participation in elections, specifically for realization of the right to elect and be elected personally or as representatives of a political party (coalition), to participate in the voting with the aid of persons indicated in laws.

Article 13 Preparation and Administration of Elections by Independent Election Bodies

1. Preparation and administration of elections, including determination and official publication of the voting and election results, safekeeping of electoral documents (ballots, protocols) up to the expiry of their safekeeping periods, assurance of

- the electoral rights and freedoms of election participants, shall be carried out by collective election bodies headed by the central election body, acting independently, impartially, within the scope of competence and powers established by the constitution and/or laws, other statutory acts.
2. The procedure for the formation of election bodies, their powers and the period of these powers, organization of their activity as well as the grounds, procedure and period for dissolution of an election body or early termination of the powers of its member (members) shall be established by law. As a rule members of election bodies shall be persons who are knowledgeable in the field of organization of the electoral process or have experience in the preparation and administration of elections, including representatives of political parties (coalitions), national minorities and ethnic groups.
 3. Resolutions of election bodies shall be adopted by a majority and, in the cases provided by law, qualified majority of the whole number of votes of members of the election body.
 4. No structures (bodies, organizations) shall be formed or allowed to operate which supersede the election bodies indicated in Paragraph 1 of this article, or perform fully or partially their functions, or obstruct or unlawfully interfere with their lawful activity, or otherwise appropriate the status, functions and powers of the said election bodies.
 5. Members of an election body shall not be bound by any decisions and other documents of political parties (coalitions) to which they belong and which nominated them to the election body. During their term of office as members of a permanent election body, its members may suspend their membership in a political party (coalition) or other political organizations. The bodies and officials that appointed members of an election body have no a right to recall them.
 6. Any decision, action (omission) of an election body may be appealed in the election body specified by law and/or in a court, in the procedure provided for by law. A higher election body may reverse the decision of a lower election body if this decision conflicts with law or has been taken in violation of the established competence, and may either take a decision on the substance of the matter set forth in the appeal or send the relevant documents for new consideration to the lower election body whose decision was reversed.

Article 14 Status of Political Party (Coalition), Candidate at Elections

1. Each citizen, individually or together with other persons, shall be entitled to:
 - (a) freely express political views and political preferences;
 - (b) seek election to elective offices, personally or as a representative of a political party (coalition), i.e., nominate and/or propose his candidature for nomination as a candidate, on the list of candidates of a political party (coalition);

- (c) search for, obtain and communicate information about the electoral process and make a sound personal choice;
 - (d) freely travel over the country and/or the territory of the constituency (the territory where elections are held), while participating in an election campaign on an equitable basis with other election participants;
2. Each citizen shall be entitled, on the equal conditions with other citizens, to join or, together with other persons, to organize a political party (coalition) on a lawful basis for the purpose of participation in elections, including such participation in the form of nomination of candidates, lists of candidates.
 3. Each candidate and each political party (coalition) shall be entitled to have their political and electoral rights and freedoms safeguarded by law and protected.
 4. The States Parties to this Convention shall make arrangements for informing citizens and other election participants about the legislative requirements to the procedure for nomination and registration of candidates, lists of candidates of political parties (coalitions), about the status of candidates, political parties (coalitions) participating in elections, about the periods for the performance of electoral actions and procedures and also about the statutory acts and their provisions relating to the preparation and administration of elections.
 5. In the cases and in the procedure provided for by laws nomination and registration of candidates, lists of candidates of political parties (coalitions) may be carried out by collection of the number of voters' signatures established by law or payment of an electoral (monetary) deposit or by means of other procedures which take into account, among other things, the parliamentary status of a political party (coalition), the number of votes received by a political party at the previous elections to the national legislative body (parliament).

The number of signatures established by law shall not exceed 2 percent of the number of voters in the given constituency; the size of the electoral deposit shall not be burdensome for the candidate, political party (coalition). The law shall specify the minimum number (percentage) of votes that has to be received by a candidate, list of candidates of a political party (coalition) for the electoral deposit to be returned.

The law shall fully and clearly establish the duration of the signature collection period, the deadline for submission of the signatures for verification as well as the procedure for verification of signatures and for pronouncing them to be bona fide or otherwise. The law may provide for verification of all signatures or for selective verification of a fixed quota thereof.

6. A decision to register a candidate, lists of candidates of a political party (coalition) participating in elections may be reversed by courts and/or election bodies in the procedure and within the periods established by laws.

7. The States Parties to this Convention may legislatively establish the number (quota) of votes required by political parties (coalitions) to participate in the distribution of deputy mandates in accordance with the voting results at elections. The procedures regulating vote counting, determination of voting and election results, declaration of a person to be elected and distribution of mandates between candidates, lists of candidates of political parties (coalitions) shall be established by law.

Article 15 Status and Powers of National Observers, Agents of Candidates

1. Each candidate and/or each political party (coalition), other election participants indicated in laws shall be entitled, observing the procedure and conditions established by laws, to appoint their observers to be present at election bodies during voting, vote counting and determination of election results as well as in other cases provided by law.
2. National observers may also be appointed by non-governmental public organizations.
3. The rights and obligations of observers and agents of candidates shall be defined by law and other statutory acts adopted by the bodies which call and/or administer elections.
4. Observers, agents shall be granted the following basic rights:
 - 4.1. to examine election documents (with the exception of documents which affect the interests of national security or contain confidential information about voters), receive information about the number of voters on voter lists and the number of voters who took part in the voting as provided by Paragraph 2, Article 9 of this Convention;
 - 4.2. to be present at the office of the election body and at the polling station and observe the collective (public) work, including meetings of the election body, and also the voting, other electoral procedures;
 - 4.3. to be present at early voting, voting outside the polling station, other forms of voting provided for by laws;
 - 4.4. to observe vote counting under conditions in which the contents of ballots can be seen;
 - 4.5. to watch an election body drawing up protocols of voting and election results and other election documents, examine the protocols of voting and election results, make copies of the said protocols or receive such copies from the election body;
 - 4.6. to make proposals and comments to an election body concerning organization of voting, vote counting, determination of voting and election results and make statements about violation of election laws, including violation of the electoral rights and freedoms of election participants.

5. The Parties believe that the necessary and equal legal conditions must be created for all national observers to monitor the provisions for the integrity and transparency of the electoral process and also the conduct of voting, performance of electoral actions and electoral procedures connected with the determination of the voting and election results. Simultaneous presence at a polling station of two and more observers representing one of candidates, one of political parties (coalitions), one of other election participants and also one of non-government public organizations may be prohibited by law.
6. No restrictions other than those established by Paragraph 5 of this article shall be established in respect of the presence at the office of an election body, at a polling station and the activity of national observers from one of election participants or from one of non-government public organizations.

Article 16 Funding of Elections and Election Campaigns of Candidates, Political Parties (Coalitions)

1. The activities connected with the calling, preparation and administration of elections shall be funded from the budget and the budget funds shall be allocated and made available to election bodies in due time and in an amount sufficient for organizing and administering elections in accordance with the requirements of election laws.
2. The state shall allocate budget funds to candidates, political parties (coalitions) participating in elections for the conduct of their election campaigns in the cases and in the procedure provided for by the constitution and/or laws, other statutory acts, on a fair basis, promptly and fully, and shall allow them to form their own election funds during the election period to finance their election campaigns, such funds being formed by candidates and/or political parties (coalitions) using their own money and voluntary donations from natural persons and/or national legal entities.
3. Allocation of budget funds to political parties (coalitions) participating in elections for the conduct of their election campaigns may be carried out depending on the number of votes received by a political party (coalition) at the previous elections to the national legislative body (parliament), or the status of a parliamentary political party (coalition), or the total number of registered candidates nominated by a political party (coalition), or the number of constituencies where the candidates nominated by a political party (coalition) have been registered, or other conditions stipulated by laws.
4. To create equal conditions for all candidates, political parties (coalitions) the Parties shall establish a reasonable maximum size of the election fund of a candidate, a political party (coalition), which they may spend on the conduct of their own election campaigns.

5. In accordance with law the Parties shall ensure openness and transparency of all monetary donations to candidates, political parties (coalitions) and their expenditures so as to exclude donations prohibited by law or donations exceeding the size established by law and unlawful expenditures of the resources of election funds.
6. Subject to law, other statutory legal acts, candidates, political parties (coalitions) participating in elections shall, at the intervals established by law, submit to the bodies and officials, designated by law, the information and reports concerning receipt of all donations to their election funds, the donors, all expenditures made by them from these funds to finance their election campaign and shall arrange for publication of such information and reports, unless this duty is imposed by law on election bodies.
7. The powers to control or oversee compliance with the rules, periods and procedures for campaign funding of candidates, political parties (coalitions) shall be vested by the Parties in officials or election bodies or in a special body to be established for this purpose, subject to law
8. The grounds and the procedures shall be established by law for bringing to responsibility candidates, political parties (coalitions) for violation of legal norms regulating the formation of their own election funds, receipt of money to and expenditure of money from such funds and for the use of any other sums contributed to their own election funds otherwise than in accordance with law.

Article 17 Information Support of Elections and Election Campaigns of Candidates, Political Parties (Coalitions)

1. The Parties shall ensure in compliance with laws the freedom of the search for, collection, dissemination of information about elections, candidates, lists of candidates, political parties (coalitions) participating in elections, other election participants indicated in laws and impartial information coverage of the purpose, preparation and progress of elections, election campaigns of candidates, political parties (coalitions) in the national mass media and telecommunications media.
2. The Parties believe that state-owned mass media or mass media with partial state and/or municipal participation must ensure a balanced information coverage of elections, election campaigns of candidates, political parties (coalitions), without any political or other, including ideological, bias and preferences.
3. The Parties shall assure to citizens, candidates, political parties (coalitions) which nominated registered candidates (lists of candidates) the freedom of propaganda activity conducted in any form allowed by law and by lawful methods, in the procedure and at the time provided for by laws, in the conditions of real pluralism of opinions, absence of censorship and arbitrary or discriminatory suppression of electoral information. No purposeful direct or indirect defamation of

candidates, political parties (coalitions) participating in elections shall be allowed in the mass media and telecommunications media.

4. Fair, equal and non-discriminatory legal conditions, established by law for access to the mass media and telecommunications media, shall be assured to all candidates, political parties (coalitions), participating in elections, for the conduct of their election campaigns, including presentation of their election programs (platforms), proclamation of slogans and appeals. In the cases and in the procedure provided for by laws air time and/or space in print media may be provided, on an equitable basis and free of charge, to all candidates, political parties participating in elections to conduct their election campaigns, including presentation of their election programs (platforms). Paid air time and paid space in print media shall be provided to candidates, political parties (coalitions) participating in elections directly by the mass media, on the terms and conditions and in the procedure provided for by laws, and shall be paid for by candidates, political parties (coalitions) from their own election funds.
5. In the conduct of propaganda activity no abuse of the freedom of assembly, freedom of associations, freedom of speech and freedom of mass media shall be allowed, including calls for a violent seizure of power, violent change of the state system and violation of the territorial integrity of a state, calls directed at propaganda of war, terrorist or other violent acts inciting social, racial, gender, national, ethnic, religious hatred and enmity.
6. The Parties shall use their best efforts make the electoral information indicated by law available to representatives of national minorities, ethnic groups in their native language.
7. The Parties shall strive to assure to persons with physical and other disabilities (infirmities) full access to special information materials prepared and published with the use of budget financing, which present information about candidates, lists of candidates, political parties (coalitions) and their election programs (platforms), other participants in the election campaign and also a possibility to mark the ballot and vote without the aid of the persons indicated by law.

Article 18 Complaints Against and Responsibility for Violation of Electoral Rights and Freedoms

1. The national constitutional, civil, administrative and criminal judicial procedures shall ensure a legitimate and public nature of elections; protection and realization of electoral rights and freedoms of citizens, candidates, political parties (coalitions) participating in elections, other election participants; law enforcement practices based on democratic principles of organization of the electoral process.

2. In the event of violation of the election standards, the electoral rights and freedoms proclaimed in this Convention the injured person or persons, political party (coalition) or bodies, organizations, officials involved in the electoral process under law shall be entitled to prompt and effective protection of, submission of complaints to, and restoration of violated rights by the judicial and administrative bodies and also, in the cases and in the procedure provided for by laws and other statutory acts, the election bodies and other bodies, and the persons guilty of unlawful actions (omissions) shall bear responsibility in accordance with law.
3. The time limits for lodging complaints, procedure for adjudication of disputes connected with protection of the electoral rights and freedoms of a human being and a citizen, other election participants, and the division of powers between judicial and other bodies, including election bodies, in adjudication of such disputes shall be clearly and exhaustively laid down by law and shall ensure fair adjudication of election disputes within the periods and stages of an election campaign, performance of electoral actions and procedures. The person (persons) who lodged a complaint shall have the right and the possibility to participate in its consideration by an election body. The Parties believe that election disputes connected with the protection of the electoral rights and freedoms of election participants; violation of the rules for inclusion of a person on the voter list; unlawful refusal of registration and annulment of registration of a candidate, political party (coalition); unlawful contribution of money to and expenditure of money from the own election fund of a candidate, political party (coalition) or use of other funds which are not provided for by law; abuse of the freedom of speech and mass information in the course of election campaigns conducted by candidates, political parties (coalitions); invalidation of the voting and election results must be dealt with mainly by courts of law.
4. The period for protection and/or restoration of violated rights and freedoms of election participants shall be commensurate with the timeframe of the performance of electoral actions and the conduct of an election campaign as a whole and shall be determined with due regard to the need to ensure timely adjudication of complaints of election participants. This period shall not lead to postponement of elections or electoral actions and procedures, shall not violate the integrity of the electoral process and shall not in any way affect the actual expression of the will of citizens.
5. The activity of persons and bodies aimed at disclosure of confidential information about voters, other election participants; falsification of vote counting, voting and election results; prevention of a human being and a citizen from freely exercising his electoral rights and freedoms, including the right to secrecy of voting, assumption or occupation of an elective office and the activity of persons and bodies aimed at or resulting in violation of the universal principles and

norms of international law in the field of the conduct of democratic elections shall be punishable by law.

Article 19 Status and Powers of International Observers

1. The Parties reaffirm that the presence of international observers is conducive to openness and publicity of elections, observance of international obligations of states with regard to holding of democratic elections. They shall strive to promote access of international observers to electoral processes at levels lower than the national level, down to local elections.
2. The activity of international observers shall be regulated by the laws of the country where they work, the international obligations of a state, this Convention.
3. International observers shall be granted visas to enter a state in the procedure established by the laws of this state and, if they have a relevant invitation, shall be accredited by the appropriate election body or some other body duly authorized by law. Invitations may be extended by bodies duly authorized to do so by law after official publication of the decision to call the elections.
4. The central election body or other organs (officials) authorized by law shall issue international observers with an accreditation card of the established form.
5. Election bodies, bodies of state power, bodies of local administration (local self-government), their officials shall, within the scope of their competence, render the necessary assistance to international observers.
6. International observers shall carry on their activity by themselves and independently, abiding by the principles of political neutrality and impartiality. The activity of international observers shall be supported materially and financially by the organization which sent them and/or out of their own resources.
7. International observers may:
 - 7.1. have access to all documents (except for documents which affect the interests of national security or contain confidential information about voters) regulating the electoral process; receive these documents and the necessary information and official copies of the election documents indicated in laws;
 - 7.2. establish contacts with political parties (coalitions), candidates, private persons, officials of election bodies, other bodies and persons indicated in laws;
 - 7.3. freely visit election precincts, offices of election bodies, polling stations; be present at voting conducted at the place of residence of a voter (outside the polling station);
 - 7.4. observe the progress of voting, vote counting and determination of voting and election results under conditions in which these procedures are observable;

- 7.5. acquaint themselves with the progress and results of adjudication of complaints (applications) and grievances relating to violation of election laws, including violation of the electoral rights and freedoms of election participants;
 - 7.6. inform officials of election bodies about their observations without interfering in the work of the bodies in charge of preparation and administration of elections;
 - 7.7. publicize their opinion about the preparation and administration of elections after the end of voting;
 - 7.8. present to election officials their conclusions concerning the results of monitoring of the preparation and administration of election; assurance of the electoral rights and freedoms of a human being and a citizen, other election participants; observance of international obligations of the state relating to the holding of democratic elections.
8. International observers shall not use their status to engage in any activity unrelated to monitoring of elections; interfere in the electoral process, poll voters on voting day to find out how they intend to vote or have voted; take part in voting, vote-counting, determination of voting and election results. The Parties reserve the right to withdraw accreditation of international observers who violate laws, other statutory acts, universally accepted principles and norms of international law, provisions of this Convention.

Article 20 Measures Not to Be Considered Discriminatory or Contrary to this Convention

1. The electoral rights and freedoms of a human being and a citizen may be restricted by law only in so far as necessary for the protection of morality, health, rights and legitimate interests of other persons, safeguarding of national security and public order, prevention of crime.
2. The electoral rights and freedoms of a human being and a citizen, other election participants listed in this Convention may be restricted by the constitution and/or law without being considered discriminatory if they provide for:
 - 2.1. reasonable requirements to the exercise to restriction of the right to participation in elections or the right of access to elective offices, including restrictions imposed by law on the electoral rights, freedoms and obligations, for a person pronounced to be incapable by a court, a person serving a criminal sentence which has come into a legal force;
 - 2.2. measures establishing a reasonable period which has to elapse before naturalized persons may exercise their electoral rights, freedoms and/or obligations provided a liberal policy in respect of naturalization is pursued in the meantime;

- 2.3. special measures, including legislative allocation of a quota of deputy mandates, taken to ensure an adequate representation of some part of a country's population, primarily national minorities and ethnic groups, which, owing to political, economic, religious, social, historical and cultural conditions, is deprived of a possibility to enjoy the political and electoral rights and freedoms on an equitable basis with the rest of the population, as well as additional guarantees assuring equal possibilities for the realization of the electoral rights and freedoms to separate categories of voters, primarily women, persons with physical and other disabilities (infirmities), including such possibilities for inclusion on lists of candidates of political parties (coalitions);
3. Restrictions on nomination and/or registration of candidates, lists of candidates, creation and activity of political parties (coalitions), the electoral rights and freedoms of a human being and a citizen may be imposed in the interests of national security, maintenance of public order, protection of public well-being and morals and protection of civil rights and freedoms. Such restrictions shall conform to the international obligations of a state.
4. Restrictions connected with participation in the election campaign of candidates running for re-election to an elective body or elective office for a new term shall be established by constitutions and/or laws, other statutory acts. Compliance with the established restrictions shall not prevent deputies, elected officials from exercising their powers and fulfilling their obligations to the voters.
5. A restriction established by law on the incompatibility of possession by a person of a deputy mandate or occupation of an elective office with the status of a serviceman, churchman, employee of a body of executive power, judge, prosecutor shall not be contrary to the provisions of Article 8 of this Convention.

Article 21 Obligations of States Parties to the Convention

1. The Parties shall take legislative and other measures to strengthen the guarantees of realization of the electoral rights and freedoms for holding democratic elections and realizing the provisions of this Convention.
2. The Parties undertake:
 - 2.1. to guarantee protection of the democratic principles and norms of electoral law, the democratic nature of elections, voluntary and free expression of citizens' will at elections, well-grounded requirements to declaring elections legitimate (declaring elections to have taken place and valid);
 - 2.2. to strive for creation of a system of legal, organizational, financial (budgetary), informational, technological and other guarantees of the electoral rights and freedoms of a human being and a citizen in the prepara-

- tion and administration of elections of all levels; to take the necessary measures, including legislative measures, to assure to women, persons with physical and other disabilities (infirmities), representatives of small nations and nationalities, other national minorities and ethnic groups additional possibilities for participation in elections, including participation in voting and assurance of secret voting, the exercise of the right to be elected;
- 2.3. to establish an effective and non-discriminatory procedure for registration of voters based on clear criteria, such as citizenship, age, place of residence, availability of the main document certifying the identity of a citizen;
 - 2.4. to establish legislatively the responsibility of persons and organizations furnishing information about voters for the accuracy, fullness and timely presentation of such information, for ensuring confidentiality of the personal data as prescribed by law;
 - 2.5. to ensure that the law and national policy should be directed to separation of the party and the state, that election campaigns should be conducted in the atmosphere of freedom, responsibility, transparency and honesty allowing parties (coalitions) and candidates freely to present their political views and opinions, their election programs (platforms) and allowing voters to get acquainted with and discuss them and vote “for” or “against” freely, without any fear of punishment or any kind of persecution; to prevent the state, administrative and other resources and possibilities, including state and municipal servants, from being used to express the preference or create privileges or restrictions for separate candidates, separate political parties (coalitions) participating in elections.
 - 2.6. to develop, introduce and/or use new information and computer technologies and technical and technological standards which contribute to assurance of the openness and publicity of elections, performance of the voter registration procedure, rapid and accurate determination of voting and election results beginning from the level of election precincts and the verification of these results, and raise the trust of voters, candidates, political parties (coalitions), other election participants in electoral procedures and elections in general;
 - 2.7. to adopt national programs and participate in drafting and adoption of international programs of civic education and training; to make arrangements for acquainting citizens and other election participants with electoral procedures and rules, for raising their legal and electoral culture and for improving professional qualifications of election officials, paying

- special attention to provision of information to and/or training of persons with physical and other disabilities (infirmities);
- 2.8. to promote cooperation between the election bodies of the States Parties to this Convention;
 - 2.9. to take legislative measures to extend the list of election bodies working on a permanent basis;
 - 2.10. to promote, for the exchange of information, creation of a unified data-bank containing information about national election laws, participants in the electoral process, international observers, law enforcement and judicial practices, legislative proposals to improve the election system as well as other information relating to the organization of the electoral process, assurance of the electoral rights and freedoms of election participants;
 - 2.11. to strive to abolish, as proper conditions appear, the existing restrictions on the electoral rights and freedoms or the existing privileges in this sphere which are provided for by the constitution and/or law and are not contrary to the international obligations of a state, so that participants in the electoral process should have the best possibilities and equal legal conditions for a legitimate political competition at elections;
 - 2.12. to strive to make the right to elect and be elected at elections to bodies of local administration (bodies of local self-government) enjoyable by foreign nationals and stateless persons who reside permanently on lawful grounds in the territory of the State Party to this Convention, provided they meet the same criteria as citizens of the state;
 - 2.13. to take legislative measures to regulate the list of violations of the electoral rights and freedoms of a human being and a citizen, other election participants as well as the grounds and procedure for bringing to responsibility the persons who use coercion, fraud, threats, forgery, technical means and technologies or other methods to prevent free exercise by a human being and a citizen, other election participants of the electoral rights and freedoms.
 - 2.14. to take measures to ensure that the election campaign is conducted in the conditions of public safety and calmness, to thwart any attempts at violence, intimidation or similar actions or threats in the course of elections.

The African Union

8.4 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa

Declaration Adopted at the 38th Ordinary Session of the Organization of African Unity, 8 July 2002, Durban, South Africa.

I. Preamble

We, the Heads of State and Government of the Organization of African Unity, meeting in Durban, South Africa, at the 38th Ordinary Session of the Assembly of the OAU, have considered the Report of the Secretary General on strengthening the role of the OAU in election observation and monitoring and the advancement of the democratization process.

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union, particularly in its Articles 3 and 4;

Reaffirming the Algiers Decision of July 1999 and the Lomé Declaration of July 2000 on the Framework for an OAU response to unconstitutional changes of government, which laid down a set of common values and principles for democratic governance;

Considering the CSSDCA Solemn Declaration adopted by the Assembly of Heads of State and Government of the OAU in Lomé, Togo, in July 2000, which underpins the OAU's agenda of promoting democracy and democratic institutions in Africa;

Considering the New African Initiative (NAI) now referred to as the New Partnership for the African's Development (NEPAD) adopted by the Assembly of the Heads of State and Government in Lusaka, Zambia, in July 2001, by which, through the Democracy and Political Governance Initiative, African Leaders undertook to promote and protect democracy and human rights in their respective countries and regions, by developing clear standards of accountability and participatory governance at the national and sub-regional levels;

Reaffirming the importance of the Universal Declaration of Human Rights adopted in December 1948, as well as the International Covenant on Civil and

Political Rights adopted in December 1966, which recognized the will of the people expressed through free and fair elections as the basis of the authority of government;

Reaffirming also the significance of the African Charter on Human and Peoples' Rights adopted in Nairobi, Kenya, in June 1981, which recognized the right of every citizen to participate freely in the government of his or her country whether directly or through democratically elected representatives;

Recalling the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World, adopted in Addis Ababa, Ethiopia, in July 1990 wherein OAU Member States undertook to continue with the democratization of African societies and the consolidation of the democratic institutions;

Recalling further the African Charter for Popular Participation in Development adopted in Addis Ababa, Ethiopia, in July 1990, which emphasized the need to involve the people of Africa in the spheres of economic and political governance;

Referring to the Cairo Agenda for Action adopted in Cairo, Egypt, in 1995, which stressed the imperative of ensuring good governance through popular participation based on the respect for human rights and dignity, free and fair elections, as well as on the respect of the principles of freedom of the press, speech, association and conscience;

Cognizant of the fact that each Member State has the sovereign right to choose its political system in accordance with the will of its people and in conformity with the Constitutive Act of the African Union and the universally accepted principles of democracy;

Considering the ever-growing role already played by the OAU in the observation/monitoring of elections and the need to strengthen the Organization's efforts in advancing democracy in Africa;

Agree and endorse the following Principles Governing Democratic Elections in Africa:

II. Principles of Democratic Elections

1. Democratic elections are the basis of the authority of any representative government;
2. Regular elections constitute a key element of the democratization process and therefore, are essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development;
3. The holding of democratic elections is an important dimension in conflict prevention, management and resolution;

4. Democratic elections should be conducted:
 - a) freely and fairly;
 - b) under democratic constitutions and in compliance with supportive legal instruments;
 - c) under a system of separation of powers that ensures in particular, the independence of the judiciary;
 - d) at regular intervals, as provided for in National Constitutions;
 - e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;

III. Responsibilities of the Member States

We commit our Governments to:

- a) take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of our respective countries;
- b) establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters, compilation of voters' registers, etc would be addressed;
- c) establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- d) safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes;
- e) promote civic and voters' education on the democratic principles and values in close cooperation with the civil society groups and other relevant stakeholders;
- f) take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security;
- g) ensure the availability of adequate logistics and resources for carrying out democratic elections, as well as ensure that adequate provision of funding for all registered political parties to enable them organise their work, including participation in electoral process.;
- h) ensure that adequate security is provided to all parties participating in elections;
- i) ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual can-

didates at polling and counting stations and by accrediting national and/other observers/monitors;

- j) encourage the participation of African women in all aspects of the electoral process in accordance with the national laws.

IV. Elections: Rights and Obligations

We reaffirm the following rights and obligations under which democratic elections are conducted:

1. Every citizen shall have the right to participate freely in the government of his or her country, either directly or through freely elected representatives in accordance with the provisions of the law.
2. Every citizen has the right to fully participate in the electoral processes of the country, including the right to vote or be voted for, according to the laws of the country and as guaranteed by the Constitution, without any kind of discrimination.
3. Every citizen shall have the right to free association and assembly in accordance with the law.
4. Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law.
5. Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.
6. Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country.
7. Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.
8. No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms. Hence all stakeholders should refrain from, among others, using abusive language and/or incitement to hate or defamatory allegations and provocative language. These acts should be sanctioned by designated electoral authorities.
9. All stakeholders in electoral contests shall publicly renounce the practice of granting favours, to the voting public for the purpose of influencing the outcome of elections.
10. In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.

11. Every candidate and political party shall respect the impartiality of the public media by undertaking to refrain from any act which might constrain or limit their electoral adversaries from using the facilities and resources of the public media to air their campaign messages.
12. Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.
13. Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

V. Election Observation and Monitoring by the OAU

We request the OAU to be fully engaged in the strengthening of the democratization process, particularly by observing and monitoring elections in our Member States, according to the following guidelines:

1. The observation and monitoring of elections shall be undertaken subject to a memorandum of understanding between the OAU General Secretariat and the host country in accordance with the principles enshrined in this Declaration and the laws of the host country.
2. In performing their obligations, the election observers or monitors shall be guided by detailed guidelines to be prepared by the General Secretariat drawing inspiration from the essential thrust of this declaration, the specific mandates and terms of reference determined by the particular case in question as well as the wider legal framework of the country staging elections.
3. Member States should ensure that invitations to the OAU to participate in election observation or monitoring are sent at least two months before the date of the election.
4. Member States should refrain from imposing any fees and/or charges on OAU observers i.e. registration/accreditation fees etc and facilitate easy access of observers/monitors to locations of electoral events/activities and unhindered in the performance of their tasks.
5. The General Secretariat shall have the right to decline invitations to monitor elections which in its considered opinion, do not measure up to the normative standards enunciated in this Declaration.

VI. Role and Mandate of the General Secretariat

Further request the OAU Secretary General to take all necessary measures to ensure the implementation of this Declaration by undertaking, in particular, the following activities:

- a) Strengthen its role in the observation and monitoring of elections within the legal framework of the host country, in accordance with the memorandum of understanding reached with that country;
- b) Mobilize extra-budgetary funds to augment the General Secretariat resource base so as to facilitate the implementation of this Declaration;
- c) Undertake a feasibility study on the establishment of a Democratization and Electoral Assistance Fund, to facilitate a successful implementation of this Declaration.
- d) Undertake a feasibility study on the establishment within the OAU General Secretariat of a Democratization and Election Monitoring Unit that will also discharge issues on good governance;
- e) Compile and maintain a roster of African Experts in the field of election observation and monitoring and democratization in general in order to deploy competent and professional observers and to avail itself of their services whenever necessary. Member States on their part are requested to assist by making the names of their experts available to the General Secretariat;
- f) Work out better standards of procedures, preparations and treatment for personnel selected to serve on OAU observer missions.
- g) Promote cooperation and work in partnership with African Organizations and International Organizations, as well as national institutions, non-governmental Organizations and civil society groups involved in the elected monitoring and observation work.
- h) Publish and make the General Secretariat Reports on the observation/monitoring of elections and other related activities open to all Member States and the public at large, as a means of consolidating electoral and democratic processes on the continent.

