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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DECLARATION OF GLOBAL PRINCIPLES FOR NON-PARTISAN  
ELECTION OBSERVATION AND MONITORING  
BY CITIZEN ORGANIZATIONS**

**AND**

**CODE OF CONDUCT FOR NON-PARTISAN CITIZEN ELECTION  
OBSERVERS AND MONITORS**

Commemorated April 3, 2012, at the United Nations, New York

Initiated by the Global Network of Domestic Election Monitors (GNDEM)

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# **1. DECLARATION OF GLOBAL PRINCIPLES FOR NON-PARTISAN ELECTION OBSERVATION AND MONITORING BY CITIZEN ORGANIZATIONS**

## **Preamble**

Genuine democratic elections are the peoples' collective expression of sovereignty and an inalienable right of citizens. These precepts are recognized in national constitutions the world over and in international human rights instruments of the United Nations, regional intergovernmental organizations and other bodies.

The Universal Declaration of Human Rights article 21 states that: "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 ballot or by equivalent free voting procedures." Article 25 of the International Covenant on Civil and Political Rights (ICCPR, a treaty among 165 countries at this date) states that: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 [that is, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status] and without unreasonable restrictions: ... 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; ...." The election related rights set forth and opportunities called for in those two articles are based on their explicit recognition that every citizen has the right to take part in government and public affairs, either directly or through freely chosen representatives.

Non-partisan election observation and monitoring by citizen organizations has emerged as one of the most tangible and significant dimensions of democratic development around the globe. In more than 90 countries on five continents over the last two decades, millions of citizens have joined non-partisan election observation and monitoring efforts to ensure electoral integrity and promote accountability in government and among political contestants. This has contributed to safeguarding genuine elections, mitigating potentials for conflict, and promoting accountability and democratic development.

Non-partisan observation and monitoring of elections by citizen organizations is part of participating in public affairs, which "relates to legislative, executive and administrative powers" and "covers all aspects of public administration, and the formulation and implementation of policy...." (UNHRC General Comment 25, paragraph 5.) Non-partisan election observation and monitoring by citizen organizations exercises the right of association that is central to the functioning of nongovernmental organizations, as well as the right to seek, receive and impart information that is vital to transparency and is included in the freedom of expression protected by articles 19 of the Universal Declaration of Human Rights and the ICCPR. Establishing an election process that is open to citizen examination is essential because citizens not only have the right to genuine elections, they have the right to know whether the election process provided an opportunity for free expression of the will of the electors and accurately recorded and honored the electors' will.

Non-partisan citizen election observers and monitors can be considered as specialized human rights defenders focused on civil and political rights, which are central to achieving genuine elections. Genuine elections require respect for the exercise of human rights and fundamental freedoms, including association, peaceful assembly, expression, media freedom, movement, security of person, equal protection of the law for prospective voters and those seeking to be elected, as well as providing effective remedies when electoral related rights are violated.

These electoral related rights and freedoms, and related rule of law issues, are affected by a range of institutions and processes over a lengthy period of time that makes up an election cycle and are woven into the fabric of each country's political process and historical context. At the same time, elections allow citizens to aggregate their interests to demand that those seeking office address issues related to economic, social and cultural well being, as well as peace and security. Genuine elections therefore are not only a condition to establishing democratic governance; they are inseparable from broader democratic development.

With the exercise of rights comes responsibilities, and non-partisan domestic election observers and monitors have an ethical obligation to conduct their activities in a responsible manner. Various international publications and the charters of individual domestic non-partisan election observation and monitoring organizations and their cross-border networks emphasize that nonpartisanship requires impartiality, accuracy and professionalism.

Non-partisan election observation and monitoring by citizen organizations requires the highest ethical standards for impartiality and accuracy based on credible methodologies that incorporate best practices that are suitable to national conditions. Non-partisan election observation and monitoring seeks to enhance electoral integrity by deterring and exposing irregularities and fraud, deterring and mitigating potentials for election-related violence and by offering recommendations for improving electoral and political processes. It seeks to promote public confidence as the election process warrants and to promote citizen participation in government and public affairs through electoral processes that are free of proscribed discrimination and unreasonable restrictions.

Non-partisan election observation and monitoring by citizen organizations seeks to cooperate with election management bodies and other governmental authorities related to election processes and makes observations, assessments and findings based on the national legal framework and obligations concerning democratic elections that are set forth in international human rights instruments, as well as standards, principles and commitments presented in international and regional charters, conventions, declarations and other such documents.

The quality of an election process typically reflects the democratic character of governance leading to an election and can be an important indicator of the nature of government that results from an election. The skills and networks developed in non-partisan election observation and monitoring have allowed citizens across the globe not only to sustain their on-going electoral integrity activities, but also to strengthen and expand their monitoring, advocacy and accountability efforts to promote representative, transparent and accountable democratic governance.

***Therefore:***

***Recognizing*** that non-partisan election observation and monitoring is a growing trend around the world, reaching thus far over 90 countries on five continents and mobilizing millions of citizens to participate in public affairs,

***Acknowledging*** that non-partisan election observation and monitoring by citizen organizations can be considered as a specialized form of human rights defending that focuses on civil and political rights, which are central to achieving genuine elections, the rule of law and democratic governance,

***Noting*** that non-partisan election observation and monitoring by citizen organizations can contribute significantly to deterring and mitigating potentials for election related violence, and

that activities by non-partisan election observation and monitoring organizations can contribute significantly to improving the democratic quality of legal frameworks for elections, the conduct of election processes and broader democratic development,

**Appreciating** that election management bodies and other government authorities have the crucial responsibility to organize genuine democratic elections, that political parties and candidates have a right to seek to be elected, that citizens have the right to vote and to participate fully in election and political processes and that non-partisan election observation and monitoring by citizen organizations has a distinct role to play in the independent scrutiny of electoral processes,

**Affirming** that the conduct of non-partisan election observation and monitoring creates responsibilities to other citizens, including prospective voters, those seeking to be elected and those responsible for administering election processes and those charged with adjudicating electoral disputes,

**Emphasizing** that genuine democratic elections provide the means to resolve peacefully the competition for political power and provide the basis for citizens to express their will as to who shall have the authority to govern, as recognized in article 21 of the Universal Declaration of Human Rights and article 25 of the ICCPR,

**Appreciating** that the United Nations Human Rights Committee (UNHRC) in General Comment 25, paragraphs 5, 8, and 20, has declared to the 165 state parties to the ICCPR that the right to participate in public affairs is a broad concept whereby citizens take part through public debate, dialogue and their capacity to organize themselves, and the Committee has affirmed that: "There should be independent scrutiny of the voting and counting processes ... so that electors have confidence...." that their elections are genuine,

**Affirming** that independent scrutiny of election administration, and the other processes surrounding elections, encompasses non-partisan observation and monitoring of elections by citizen organizations, which is distinct from judicial review and scrutiny by political parties, candidates or their agents,

**Acknowledging** that the charters, conventions, declarations and other instruments of regional intergovernmental organizations, as well as documents of nongovernmental organizations, also recognize the right to genuine democratic elections and that a number of instruments explicitly support non-partisan election observation and monitoring by citizen organizations, including, for example, paragraph 8 of the OCSE's 1990 Copenhagen Document and paragraph 22 of the 2007 African Charter on Democracy, Elections and Governance, and

**Recognizing** that many of the principles of non-partisan election observation and monitoring by citizen organizations are common to those of international election observation set forth in the 2005 *Declaration of Principles for International Election Observation*, which has been endorsed as of this date by 35 intergovernmental and international nongovernmental organizations and which was recognized with appreciation by the United Nations General Assembly (A/Res/64/155; 8 March 2010), and therefore adopting paragraphs 1 through 3 of that declaration as paragraphs 1 through 3 of this declaration and otherwise noting harmony between the two declarations,

The organizations endorsing this Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations and the accompanying Code of Conduct for Non-partisan Citizen Election Observers and Monitors hereby join to declare:

## **Genuine Democratic Elections**

1. Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.

2. In accordance with the Universal Declaration of Human Rights, the ICCPR and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.

3. The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.

## **Non-partisan, Independent Scrutiny of Electoral Processes**

4. Non-partisan election observation and monitoring by citizen organizations is the mobilization of citizens in a politically neutral, impartial and non-discriminatory manner to exercise their right of participation in public affairs by witnessing and reporting on electoral developments through: independent, systematic and comprehensive evaluation of legal frameworks, institutions, processes and the political environment related to elections; impartial, accurate and timely analysis of findings; the characterization of the findings based on the highest ethical standards for impartiality and accuracy; the offering of appropriate recommendations for obtaining genuine democratic elections; and advocating for improvements in legal frameworks for elections, their implementation through electoral related administration and removal of impediments to full citizen participation in electoral and political processes.

5. Non-partisan election observation and monitoring by citizen organizations is impartial towards all political parties, candidates and those in favor of or opposed to any issue or initiative presented in a referendum. It is politically neutral and concerned with electoral outcomes only in determining the degree to which they are the result of a genuinely democratic process and are reported transparently, accurately and in a timely manner.

6. Non-partisan election observation and monitoring by citizen organizations seeks to work in cooperation with election management bodies, other governmental agencies and other electoral stakeholders and does not obstruct election processes or officials, electoral contestants or voters. Non-partisan citizen election observation and monitoring organizations should meet with electoral and other governmental authorities and other electoral stakeholders to seek, receive or provide information and to offer recommendations for improving electoral and political processes.

7. Non-partisan election observation and monitoring by citizen organizations is independent of government, including electoral authorities, and is conducted for the benefit of the people of a country in order to promote and safeguard the right of citizens to

participate in government and public affairs directly or through freely chosen representatives elected in genuine democratic elections.

8. Non-partisan election observation and monitoring organizations should be transparent about their funding and must not accept funding from any source or upon any condition that creates a conflict of interest that would hinder the organization from conducting its monitoring activities in a nondiscriminatory, impartial, accurate and timely manner. No one should be allowed to be a non-partisan citizen election observer or monitor unless she or he is free from any political, economic or other conflicts of interest that would hinder that person from conducting her or his election observation and monitoring activities in a nondiscriminatory, impartial, accurate and timely manner.

9. Non-partisan election observation and monitoring by citizen organizations gathers systematically when practicable and always evaluates impartially information concerning all elements of an electoral process, including factors that may affect the overall electoral environment. This may be done through comprehensive non-partisan observation and monitoring by one citizen organization, a coalition of organizations or coordinated efforts of organizations, and it may be done through the efforts of several organizations operating more or less independently of each other, including those that choose to examine a particular process or element of the election cycle through specialized nonpartisan monitoring techniques. In order to avoid confusion about observation and monitoring findings and unnecessary duplication of efforts, non-partisan election observation and monitoring by citizen organizations should seek to achieve the highest degree of cooperation and potentials for coordination that are appropriate to the national circumstances.

10. The decision by citizen organizations to observe and/or monitor an election or any element of it does not indicate that the organizations either presume the election process to be credible or to lack credibility; non-partisan election observation and monitoring by citizen organizations seeks to evaluate the process and its elements accurately, impartially and as systematically as practicable in order to properly characterize processes according to national legal requirements and applicable international obligations and commitments. Non-partisan citizen election observation and monitoring organizations should make every effort to ensure that their activities are not interpreted as legitimizing a clearly undemocratic electoral process, including making public statements to prevent such misinterpretations; this includes terminating observation and monitoring activities where necessary and stating publicly the basis for that action.

11. Organizations endorsing this Declaration recognize that substantial progress has been made internationally, including through regional organizations, international nongovernmental organizations and scholarly pursuits, in establishing standards, principles, obligations, commitments and best practices concerning genuine democratic elections; organizations endorsing this Declaration commit themselves to become familiar with and use such benchmarks to best inform their analysis, conclusions, characterizations and recommendations, and they pledge to be transparent concerning the benchmarks they use in their observation and monitoring activities.

12. Non-partisan election observation and monitoring by citizen organizations includes the responsibility to issue regularly public reports, statements and releases that are accurate, impartial and timely and that present observations, analysis, findings and recommendations for improving electoral processes. When observation and monitoring is limited to one element or a limited number of elements of an election process, the related public statements should clearly state so. In addition to analyzing impartially reports of direct observations by non-partisan citizen election observers and monitors, non-partisan election observation and monitoring by citizen organizations may draw upon credible evaluations of electoral processes conducted by other non-partisan citizen organizations, academics,

international organizations and similar sources; where such sources serve as a principal basis for a finding or conclusion the sources should be identified.

13. Non-partisan election observation and monitoring by citizen organizations employs a variety of methodologies and techniques, depending on the aspect of the election process and/or electoral environment being evaluated, and strives to employ the best and most systematic methodologies and techniques, in accordance with established principles and suited to the national circumstances, in order to produce observations, findings, analysis and conclusions that are accurate, impartial and as timely as practicable.

14. Non-partisan election observation and monitoring by citizen organizations may employ statistically based methodologies for evaluating the integrity of pre-election, post-election and election-day procedures, including verifying the accuracy of electoral results through methodologies often referred to as parallel vote tabulations (PVTs), quick counts or similar terms. Decisions about the timing of reports, statements and releases, concerning findings and conclusions based on such methodologies must carefully consider the credibility of observer reports, the sufficiency of the information received and the accuracy of analysis of the statistical data, as well as electoral rules concerning the timing of reports. Such reports should include information about statistical samples and margins of error of the findings.

15. Non-partisan election observation and monitoring by citizen organizations can contribute significantly to deterring and mitigating potentials for election related violence and to improving legal frameworks for elections, the conduct of electoral and political processes and broader democratic development. Non-partisan election observation and monitoring organizations therefore have a responsibility, where practicable, to advocate for peaceful electoral and political processes, improvements in legal frameworks for elections and electoral administration, accountability in electoral and political processes, removal of barriers to electoral participation by women, youth, indigenous peoples and other marginalized populations, as well as to promote citizen participation in public affairs.

### **Processes Observed or Monitored and Conditions Required**

16. Non-partisan election observation and monitoring by citizen organizations employs in its best practice long-term observation and analysis that address all parts of the election cycle as well as the broader political context that affects the character and quality of elections. Where non-partisan citizen election observation and monitoring organizations can not examine every element of a given election process, they should consider the significance of pre-election and post-election factors and place election-day processes in the proper context of the election cycle as well as the related political environment. This is required in order not to over-emphasize election-day developments and thus potentially mischaracterize the nature of the election process.

17. The following are examples of elements of the electoral process that should be evaluated, though it may not be feasible to observe/monitor all of them in a specific election:

- a) the content and implementation of the legal framework, made up of the constitution, laws, treaty obligations and other international commitments, rules and regulations relating to elections;
- b) the impartiality, transparency and effectiveness of electoral administration and related governmental activities;
- c) the processes for appointing and retaining members of election management bodies;
- d) the delimitation of election district boundaries;
- e) the registration of political parties, candidates and referendum initiatives and their qualification for the ballot;



- f) the compliance of political parties with legal obligations and other requirements concerning matters such as selection of candidates, campaigning and upholding codes of conduct;
- g) the procedures relating to political party and candidate financing, campaign spending and oversight of both;
- h) the incidence of international interference in the electoral process, through proscribed financial contributions to electoral contestants, international media bias or other activities;
- i) the use of state resources in the electoral context, including their politically impartial applications and their improper use for the electoral advantage of particular political parties, candidates or supporters or opponents of referendum initiatives;
- j) the application of anti-corruption laws and other safeguards in the electoral context, including protections for “whistleblowers” who expose election related corruption;
- k) the conduct of security forces and civil servants in administrative matters, such as the issuance of permits and permissions for use of meeting places and locations for peaceful assemblies and campaign activities, such as rallies and marches, as well as the posting of campaign materials;
- l) the requirements and practices regarding access to the mass communications media for political parties, candidates and supporters or opponents of referendum initiatives;
- m) the requirements and practices concerning reporting by state controlled, public and private media about political parties, candidates and supporters or opponents of referendum initiatives, including monitoring the amount and quality of coverage of electoral contestants and coverage of issues that are pertinent to voter choices in elections or referendums;
- n) the ability of political parties, candidates and supporters and opponents of referendum initiatives to campaign freely for the support of prospective voters;
- o) the ability of prospective voters, including indigenous peoples and other traditionally marginalized populations, to seek and receive (including in minority languages) accurate and adequate information upon which to make electoral choices;
- p) the ability of eligible persons to register to vote and have their required information appear accurately on the voter registry and voter lists;
- q) the ability of prospective voters, those seeking to be elected and their supporters to be free of violence, intimidation, bribery and retaliation for their electoral choices, including whether effective and equal protection of the law is provided by police, other security forces, prosecutors and courts;
- r) the adequacy of voter education, particularly by state agencies, including among other things where, when, how and why to register and to vote, as well as of guarantees for secrecy of the ballot;
- s) the appropriateness of locations of polling places and adequacy of their facilities;
- t) the production and distribution to polling stations and recollection and storage of ballots and other sensitive election materials;
- u) the policy making process and each stage of implementing decisions concerning the use of electronic technologies in creation and execution of voter registries, electronic voting, tabulation of results and other sensitive electoral procedures;
- v) the sustainability, appropriateness and cost-effectiveness of electoral technologies;
- w) the conduct of voting, including in minority languages, counting, tabulation and announcement of results, including transparency of procedures and adequacy of safeguards against inaccuracies and malfeasance;
- x) the conduct of procedures and processes concerning electoral complaints and challenges by citizens, prospective voters, those seeking election and those supporting or opposing referendum initiatives, including the provision of effective remedies for violations of electoral related rights;
- y) the conduct of administrative, civil and criminal processes concerning alleged violations of laws and regulations regarding electoral related rights and responsibilities, including application of appropriate penalties; and

- z) the development of changes to electoral related laws, rules, regulations and administrative procedures preceding and following elections.

18. In order for non-partisan election observation and monitoring by citizen organizations to be conducted successfully, several conditions should be present, including, among others:

- a) security conditions allow non-partisan citizen observers and monitors to evaluate processes without substantial risk to their safety, the safety of their families or their economic well being;
- b) election management bodies and other governmental authorities concerned with electoral related processes honor the right to participate in government and public affairs by providing non-partisan citizen election observation and monitoring organizations access to polling stations and all other election related facilities and processes in the pre-election, election-day and post-elections periods, including by providing accreditation, where it is required for access, in a timely manner, without proscribed discrimination or unreasonable restrictions, such as providing less access than allowed to international election observers, the media or political party and candidate observers;
- c) election management bodies and other governmental authorities provide electoral transparency through timely access to information, including election results recorded at polling stations as well as aggregated results at higher levels of electoral administration, and by allowing scrutiny of electoral related activities;
- d) political parties, candidates and groups supporting or opposing referendum initiatives provide timely information about complaints they file concerning violations of their electoral rights and the electoral challenges they lodge;
- e) non-partisan citizen election observation and monitoring organizations can exercise the freedom to associate with other organizations, both domestic and international, and cooperate with and/or receive assistance and support from them, including financial assistance, in order to pursue non-partisan election observation/monitoring activities;
- f) non-partisan citizen election observation and monitoring organizations are free to seek, receive and impart information, domestically and across borders, via verbal communications and printed or electronic media, including the Internet;
- g) national and international organizations, agencies, foundations and others that commit to provide funding and/or other assistance for non-partisan election observation and monitoring by citizen organizations do so in a timely and practical manner that makes it possible in light of national conditions to employ the most systematic election observation and monitoring methodologies practicable and to integrate them into the capacities of the citizen organizations;
- h) election management bodies, other governmental authorities, funders and other supporters recognize and honor the premise that the information gathered, analysis performed and conclusions developed by non-partisan citizen election observation and monitoring organizations belong to the respective citizen nonpartisan observation and monitoring organizations, and those organizations are responsible for determining in light of legal requirements the timing and manner for presenting their findings and recommendations.

The degree to which these conditions are not present will impact the potential for successful nonpartisan election observation and monitoring by citizen organizations. The lack of adequate security for deployment of observers/monitors or not being provided accreditation and access to electoral facilities or other factors may prevent systematic scrutiny of election processes. Nonpartisan observation and monitoring organizations may nonetheless decide to partially deploy observers/monitors, gather information from outside polling stations and/or other facilities or otherwise compensate for restrictive conditions, while identifying the restrictions, their causes and probable impact on their activities.

## **Pledges and Commitments**

19. In order to more effectively safeguard genuine democratic elections based on universal and equal suffrage and to respect the right to participate in public affairs, the organizations endorsing this Declaration pledge to foster the participation of all segments of the population, including indigenous peoples, national minorities, youth and the equal participation of women, as observers, monitors and leaders of their organizations.

20. Non-partisan election observation and monitoring by citizen organizations should evaluate whether electoral related processes are free of discrimination proscribed by the national legal framework and the country's international human rights obligations, including whether equality before the law and equal protection of the law is honored in the electoral context, so that universal and equal suffrage of electors and those seeking election are safeguarded. The organizations endorsing this Declaration pledge to include findings and recommendations in their reports concerning the participation in election processes of women, youth, indigenous peoples, national minorities and other traditionally underrepresented portions of the population, such as, those with disabilities and internally displaced persons (IDPs), as well as concerning steps taken by authorities, electoral contestants and other actors to encourage full participation of such groups and/or to remove barriers to their participation, including those affecting voter registration, candidate selection and qualification, voting and receiving accurate and adequate information in minority languages in order to make informed electoral choices.

21. The non-partisan citizen election observation and monitoring organizations endorsing this Declaration commit to:

- a) ensure that all of their leaders and participants, including non-partisan citizen observers/monitors, fully understand and pledge to uphold the requirements of impartiality, accuracy and timeliness in all of their election monitoring activities;
- b) provide effective training about (i) non-partisanship (including about the substance of this Declaration), (ii) relevant national laws, obligations (including international and regional obligations concerning genuine elections), rules, regulations and procedures, as well as (iii) observation/monitoring communication protocols and procedures, and (iv) elements of the applicable observation and monitoring methodologies and techniques required for effective non-partisan election observation/monitoring;
- c) require all of their board members, other leaders, staff and volunteer participants, including non-partisan citizen observers/monitors, trainers, organizers and other members, to read, sign and pledge to abide by the Code of Conduct for Non-partisan Citizen Election Observers and Monitors that accompanies this Declaration or an equivalent code of conduct of that specific non-partisan citizen election observation and monitoring organization;
- d) cooperate with election management bodies and other government agencies and other electoral stakeholders, respect relevant laws, rules and orders that protect genuine democratic elections and not obstruct election processes or officials, electoral contestants or voters nor conduct any partisan activity to affect the choices that voters may make in an election or referendum;
- e) remain independent of government, including electoral authorities, be neutral toward political parties, candidates and those supporting or opposing referendum initiatives, be transparent and not accept funding from any source or upon any condition that creates a conflict of interest that would hinder conducting observation and monitoring activities in an impartial, accurate and timely manner for the benefit of the citizenry;
- f) employ the best and most systematic election observation and monitoring methodologies and techniques practicable in light of non-partisan principles and national conditions, as well as the elements of the election process being monitored;

- g) conduct impartial, fact-based analysis and develop findings and recommendations based on national legal requirements and applicable international and regional obligations, principles, commitments and best practices and be transparent concerning the benchmarks they use in their observation/monitoring activities;
- h) issue regularly to the public (including electoral stakeholders) accurate, impartial and timely reports, statements and releases that present fact-based analysis, observations and findings and recommendations to improve electoral processes, including removing inappropriate provisions in laws, unreasonable restrictions and other impediments to achieving genuinely democratic elections;
- i) cooperate and coordinate to the highest degree possible in the national circumstances with other non-partisan citizen election observation and monitoring organizations that have endorsed this Declaration and are implementing it in apparent good faith and manner;
- j) cooperate with international election observation missions, including regional election observation missions, and others concerned with genuine democratic elections;
- k) where practicable, advocate for improvements in legal frameworks for elections and in their implementation, for violence-free, accountable, open and responsive electoral and political processes, for removal of unreasonable restrictions and other barriers to full citizen participation in electoral and political processes and to contribute more broadly to advancing democratic governance; and
- l) publicize this Declaration and its accompanying Code of Conduct with other electoral stakeholders and citizens.

22. The non-partisan citizen election observation and monitoring organizations endorsing this Declaration commit to use every effort to comply with the terms and spirit of this Declaration and the accompanying Code of Conduct for Non-partisan Citizen Election Observers and Monitors. Any time that an endorsing organization deems it necessary to depart from any of the terms of this Declaration or the accompanying Code of Conduct, in order to conduct non-partisan election observation/monitoring in the spirit of this Declaration and to meet national conditions, that organization will explain why it was necessary to do so in its public statements and will be prepared to answer appropriate questions concerning that decision from other non-partisan citizen election observation and monitoring organizations that have endorsed this Declaration.

### **Endorsements**

23. This Declaration and the accompanying Code of Conduct for Non-partisan Citizen Election Observers and Monitors remains open for endorsement by individual nonpartisan citizen election observation and monitoring organizations and regional networks of non-partisan citizen election observation and monitoring organizations. All such organizations and networks shall be noted as "Endorsing Organizations".

24. This Declaration and the accompanying Code of Conduct may also be endorsed by other organizations that are concerned with or support non-partisan election monitoring by citizen organizations, such as intergovernmental organizations, international nongovernmental organizations and other associations; such organizations shall be noted as "Supporters of the Declaration".

25. Endorsements should be recorded with the Global Network of Domestic Election Monitors (GNDEM), or any of the regional networks of non-partisan citizen election observation and monitoring organizations that have endorsed this Declaration and Code of Conduct. Endorsements may also be recorded with the National Democratic Institute (NDI), which facilitated the consensus building process leading to this Declaration and Code of

Conduct. When an endorsement is recorded by any of the listed entities, it shall inform the others of it in a timely manner.

*Opened for endorsements July 2010.*

## **2. CODE OF CONDUCT FOR NON-PARTISAN CITIZEN ELECTION OBSERVERS AND MONITORS**

### **Introduction**

Non-partisan election observation and monitoring by citizen organizations is increasingly accepted around the world as a standard practice for supporting and safeguarding electoral integrity, promoting public confidence in democratic elections and mitigating potentials for election-related violence. Governments, including their election management bodies, those seeking to be elected and other electoral stakeholders have recognized that non-partisan election observation and monitoring by citizen organizations is an integral part of exercising the right of citizens to participate in government and public affairs, which is an internationally recognized human right. Non-partisan election observation and monitoring by citizen organizations is noted by intergovernmental organizations and various intergovernmental charters, declarations and other instruments as an important aspect of promoting genuine democratic elections.

The purpose of non-partisan election observation and monitoring is to help ensure the integrity of the election process, by witnessing and reporting accurately and impartially on each aspect of the process to evaluate whether it is conducted in an open and transparent manner and in conformance with the national constitution, laws and electoral regulations, treaty obligations and other international commitments concerning democratic elections. Non-partisan election observation and monitoring by citizen organizations also seeks to ensure the integrity of the election process by calling on all electoral actors (including the candidates, political parties, those supporting or opposing referendum initiatives, election officials, other governmental authorities, mass media and voters) to respect the laws and election-related rights of all citizens and to hold accountable those who violate the law and any person's election-related rights. In addition, non-partisan election observation and monitoring by citizen organizations seeks to mobilize citizens in the exercise of their right to participate in public affairs as non-partisan election observers and monitors and to promote citizen participation more broadly in elections and political processes.

Along with the recognition of rights related to non-partisan election observation and monitoring by citizen organizations comes responsibilities. These responsibilities may be outlined in a code of conduct to be adopted, along with a pledge of non-partisanship, by every observation and monitoring organization. Rights and responsibilities of observers and monitors also may be adopted as operating principles of an organization in formats other than codes of conduct.

The organizations and networks that endorse the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations subscribe to and follow this Code of Conduct in addition to any similar code of conduct and operating principles of their individual organization or network. Each commits to require that all of its participants, including leaders, staff, trainers, consultants and all observers and monitors adhere to this Code of Conduct, or a substantially identical one of the organization or network, and sign a Non-partisan Election Observation and Monitoring Pledge substantially identical to the one presented below.

## **Modes of Conduct**

In order to achieve these goals and purposes of non-partisan election observation and monitoring, each organization and network agrees that it will:

- 1) Maintain strict non-partisanship, by remaining politically neutral in all activities concerning the election process (including observation, monitoring, voter education, exit polling and any other activities), by refraining from expressing publicly any preference for or against any candidate, political party, group, movement or other association seeking public office, or those supporting or opposing any referendum initiative (including when reporting factually about violations of laws, regulations and electoral rights by parties, candidates or referendum groups), and by rejecting all favors offered or threats issued by any of the political contestants or their agents;
- 2) Work independently of government in support of a genuine democratic election process, without regard to who wins or loses, and to employ the best practices, methodologies and techniques, in light of non-partisan principles and suited to national conditions, in order to observe and monitor the various elements of the election process throughout the election cycle and the related political environment or to apply best practices, methodologies and techniques to specific elements of the election process;
- 3) Maintain strict adherence to the principle of nonviolence, call on all involved with the election process to do the same and take any practical steps possible to reduce the potentials for election-related violence;
- 4) Respect the country's constitution, laws, regulations and international obligations consistent with holding democratic elections, promote respect for electoral related rights, and call on others involved with the elections to do the same;
- 5) Respect the roles of impartial election authorities at all levels and at no time interfere unlawfully or inappropriately in the administration of the elections, as well as seek diligently to work in cooperation with impartial election officials, and follow lawful instructions from them or other appropriate authorities concerning protection of electoral integrity;
- 6) Help to safeguard the rights of voters and prospective voters to exercise their electoral choice freely and without improper discrimination, unreasonable restrictions, interference or intimidation, which includes promoting respect for the secrecy of the ballot, the rights of eligible persons, including women, youth, indigenous peoples, members of national minorities, persons with disabilities and other traditionally marginalized populations, to register to vote, to receive in languages they understand sufficient, accurate information in order to make an informed choice among the political contestants and to engage in other aspects of the election process;
- 7) Help to safeguard, with strict impartiality, the rights of political contestants to be elected, without improper discrimination or other unreasonable restrictions on their ability to receive legal recognition or to meet other requirements for ballot qualification, on their ability to freely campaign for support of the electorate, on their ability to communicate their political messages to the public or to exercise their rights to association, peaceful assembly and movement, on their ability to monitor all elements of the election process and to seek effective remedies, as well as to enjoy their right to security of person;

- 8) Cooperate closely with other election observers and monitors from non-partisan citizen organizations that endorse the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations and cooperate with international election observation missions;
- 9) Report impartially, accurately and timely all observations and findings, both positive and negative, with sufficient documentation of all serious problems to permit verification of the events, and with sufficient documentation of positive aspects of the process to provide an impartial and accurate picture of what took place; and
- 10) Provide sufficiently high quality training for all observers and monitors to allow them to understand this Code of Conduct, sign the accompanying pledge with full appreciation of its meaning and to provide reports that meet the standards of this Code of Conduct.

These 10 points concerning conduct may be modified or supplemented to meet national conditions. Individual election observers and monitors should be required to read and discuss the code and sign a pledge of non-partisanship that embraces the provisions of this Code of Conduct.

In a case of concern about the violation of this Code of Conduct, the endorsing organization shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer/monitor concerned may have her or his observer/monitor accreditation withdrawn or be dismissed from the endorsing organization. The authority for such determinations rests solely with the leadership of the endorsing organization.

### **Sample Non-partisan Election Monitoring Pledge**

Alternative words are offered in parentheses; the most appropriate word may vary in differing national contexts.

### **Election Monitor Pledge (Oath)**

I, the undersigned, hereby pledge (promise or vow) that:

- 1) I will serve as a non-partisan election observer or monitor in the forthcoming election period to observe and/or monitor the voter registration, candidate qualification, political party candidate selection, campaign activities, media coverage, voting or ballot counting and tabulation processes or in any other non-partisan monitoring capacity that I may agree to perform; I will not conduct any partisan activity to affect the choices that voters may make in this election and/or referendum, and I will respect the roles of impartial election authorities at all levels and at no time interfere unlawfully or inappropriately in the administration of the election and/or referendum;
- 2) I am neither a candidate nor activist for any candidate, political party, group, movement or other association that is seeking public office in the upcoming elections, nor am I an activist in support of or in opposition to any upcoming referendum, and I do not intend to become a candidate in this election nor to use any non-partisan election observation or monitoring organization as a basis for supporting my candidacy in any future election;

- 3) I will maintain strict non-partisanship, by remaining impartial in all activities concerning the election process, refraining from expressing publicly any preference for or against any candidate, political party, group, movement or other association seeking public office or in support for or opposition to a referendum initiative, and rejecting all favors offered or threats issued by any of the electoral contestants or their agents;
- 4) I will work in support of a genuine democratic election process, without regard to who wins or loses, putting aside my personal views about those seeking public office or issues presented in a referendum, in order to promote a democratic process, except when I exercise my right to cast a ballot in the secrecy of a polling booth;
- 5) I have no conflicts of interest and will refrain from having any, be they personal, political, economic or otherwise, that would hinder me from fulfilling my non-partisan election observation or monitoring activities impartially, accurately and in a timely manner;
- 6) I will respect and protect the integrity of the non-partisan election observation/monitoring organization, including by following this Code of Conduct, any written instructions (such as observation/monitoring protocols, directives and guidelines) and any verbal instructions from the organization’s leadership;
- 7) I will refrain from making any personal comments about my observations to the news media or members of the public before the election observation/monitoring organization makes a statement, unless specifically instructed otherwise by the organization’s leadership;
- 8) I will attend all required domestic election observation and monitoring training sessions; I will strive to become familiar with the election law and regulations and other relevant laws as directed in the trainings, and I will fully adhere to the methodologies employed by the organization and will act in all domestic election observation and monitoring activities to the best of my abilities;
- 9) I will report impartially, accurately (including positive as well as negative factors) and as timely as possible on all events that I observe in my capacity as a non-partisan election observer or monitor; and
- 10) I hereby vow that I have carefully read and fully understand the Code of Conduct for Non-partisan Election Observers and Monitors; I agree to promote its goals and principles and to comply with its requirements. I further vow to resign from my role as an election observer or monitor if I should develop any conflicts of interest that would hinder me from fulfilling impartially, accurately and in a timely manner my non-partisan election observation or monitoring activities or if I should violate the requirements of this Code of Conduct.

..... Signature ..... Date  
 ..... Printed Name in Block Letters



### 3. ACKNOWLEDGEMENTS

This Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Non-partisan Citizen Election Observers and Monitors is the product of process initiated through the Global Network of Domestic Election Monitors (GNDEM) and facilitated by the National Democratic Institute (NDI).<sup>1</sup> The process included representatives from the existing regional networks of domestic nonpartisan domestic election monitoring organizations and initiatives to develop such networks where they did not yet exist formally. The representatives formed a Draft Development Group that reviewed a considerable body of preparatory materials, including relevant treaty and regional charters, declarations and other documents and the 2005 *Declaration of Principles for International Election Observation* and its accompanying code of conduct. The Draft Development Group then met in Johannesburg, South Africa, on 24-25 May 2010, and subsequently produced the 25 May 2010 Johannesburg Draft Declaration of Principles for Non-partisan Election Observation by Citizen Organizations and Code of Conduct for Non-partisan Citizen Election Observers and Monitors (Draft Declaration). The meeting was co-hosted by the Southern Africa Development Community Election Support Network (SADC-ESN).

The Draft Declaration was then circulated to all 125 members of GNDEM for comments and proposed changes. Each regional network of domestic election monitors distributed the Draft Declaration to its members, while GNDEM distributed it to GNDEM members that are not part of a regional network. The respective networks collected and consolidated comments and the Draft Development Group reviewed all comments, evaluated them and made appropriate changes to the Draft Declaration. The revised text was considered by the representatives of the networks and consensus was reached on the final text.

The Declaration of Principles for Non-partisan Election Observation by Citizen Organizations and Code of Conduct for Non-partisan Citizen Election Observers and Monitors was then circulated to GNDEM members for endorsements, beginning in July 2010. When a critical number of endorsements are received it is planned that a public ceremony will be held to commemorate the Declaration and Code of Conduct.

Members of the GNDEM Draft Development Group included:

#### African Networks and Network Initiatives

Steve Duwa and Aloisius Nthenda, from the Malawi Electoral Support Network (MESN), represented the SADC-ESN. MESN is the present rotating chair of the SADC-ESN which comprises non-partisan citizen election observation and monitoring organizations from the SADC countries.

Barbara Nyangari and Rindai Chipfunde, from the Zimbabwe Election Support Network (ZESN), which serves as the secretariat for the SADC-ESN, also represented the SADCESN.

Kojo Asante represented the Ghana Center for Democratic Development/Coalition of Domestic Election Observers (CODEO), which conducts non-partisan election observation and monitoring in Ghana and is involved in developing a network of non-partisan election observation and monitoring organizations in West Africa.

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<sup>1</sup> Should the United Nations Office of Legal Affairs agree that the UN can be associated with this document, including as a "Supporter of the Declaration", the UN Electoral Assistance Division will be acknowledged along with NDI as a facilitator of the process that developed this Declaration and Code of Conduct.

Peter Aling'o Okoth is the Executive Director of the Institute for Education in Democracy (IED), which conducts non-partisan election observation and monitoring in Kenya and is involved in encouraging the development of a network of non-partisan election observation and monitoring organizations in the Horn and East Africa.

### Asia

Sanjay Gathia and Damaso G. Magbual, from Thailand and the Philippines, respectively, represented the Asian Network for Free Elections (ANFREL), which comprises 21 non-partisan election observation and monitoring organizations across Asia.

### Europe and Eurasia

Darko Aleksov, Secretary General of the European Network of Election Monitoring Organizations (ENEMO) and Executive Director of MOST Citizen' Association of Macedonia, represented ENEMO; ENEMO comprises 22 non-partisan domestic election monitoring organizations from Central and Eastern Europe and Eurasia.

### Latin America and the Caribbean

Emmy Dekker and Percy Medina, from the Peruvian non-partisan election observation organization Transparencia, represented the Acuerdo de Lima network of 18 non-partisan election observation organizations in Latin America and the Caribbean, plus NDI and the Center for Electoral Assistance and Promotion/Centro de Asesoría y Promoción Electoral (CAPEL).

### The Middle East

Nabil Hassan represented the Lebanese Association for Democratic Elections (LADE), which conducts non-partisan election observation in Lebanon and is involved in developing a network of non-partisan election monitoring organizations in the Middle East and North Africa.

### Facilitators<sup>2</sup>

Patrick Merloe, Senior Associate and Director of Electoral Programs at NDI.

Richard Klein , Senior Advisor for Electoral Programs at NDI.

Peter Novotny, former Secretary General of ENEMO, and present Executive Director of Civic Eye, which conducts non-partisan election monitoring in Slovakia, provided written comments to the Draft Development Group's Johannesburg meeting. Comments and suggestions concerning the Draft Declaration were received from dozens of GNDEM member organizations.

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<sup>2</sup> Should the United Nations Office of Legal Affairs agree that the UN can be associated with this document, including as a "Supporter of the Declaration", then Andrew Bruce, of the UNEAD, will also be acknowledged as a facilitator.

#### **4. ANNEX - NON-EXCLUSIVE LIST OF INTERNATIONAL DOCUMENTS RELEVANT TO NON-PARTISAN ELECTION OBSERVATION AND MONITORING BY CITIZEN ORGANIZATIONS**

##### **GLOBAL**

- Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- Convention on the Political Rights of Women (1979)
- Convention Against Corruption (2003)
- Convention on the Rights of Persons with Disabilities (2006)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ("Declaration on human rights defenders"; UN Doc: A/RES/53/144; 8 March 1999)
- General Comment 25: The right to participate in public affairs, voting rights and the right to equal access to public service (Art. 25), UN Human Rights Committee Re: Article 25 of the International Covenant on Civil and Political Rights (12 July 1996);
- UN Committee on the Elimination of Discrimination against Women, General Recommendation 23 on Political and Public Life (1997)
- Guiding Principles on Internal Displacement (UN Doc.E/CN.4/1998/53/Add.2)
- Declaration on Criteria for Free and Fair Elections of the Inter-Parliamentary Union (1994)
- Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (27 October 2005)

##### **AFRICA – INCLUDING AU, ECOWAS AND SADC**

###### ***African Union***

- African Charter on Human and Peoples' Rights (1981)
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)
- African Charter on Democracy, Elections and Governance (2007, not yet entered into force)
- African Union Convention on Preventing and Combating Corruption (2003)
- Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009 – Kampala Convention, not yet entered into force)
- Organization of African Unity [African Union] Declaration on the Principles Governing Democratic Elections in Africa (2002)
- New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance (2002)

###### ***Economic Community of West African States***

- Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (2001)

***Southern Africa Development Community***

- Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections (2004)
- Norms and Standards for Elections in the SADC Region adopted by the Southern Africa Development Community Parliamentary Forum (2001)
- Principles for Election Management, Monitoring and Observation in the SADC Region (6 November 2003, Johannesburg, South Africa; Election Commissions Form and Electoral Institute of Southern Africa - EISA)

**The Americas**

- American Convention on Human Rights (1969)
- American Declaration of the Rights and Duties of Man (1948)
- Inter-American Convention on Granting of Political Rights of Women (1948)
- Inter-American Convention against Corruption (1996)
- Inter-American Democratic Charter (2001)

**Asia**

- Charter of the Southeast Asian Nations (ASEAN - 2007)
- Terms of Reference of ASEAN Intergovernmental Commission on Human Rights (AICHR) (23 October 2009 – Cha-am Him Declaration on Inauguration of the AICHR)
- Vision of a Blueprint for ASEAN Democracy Free and Fair Elections by ANFREL (25-26 February 2009, Cha-am, Thailand)

**EUROPE – INCLUDING THE COE, EU, OSCE AND CIS*****Council of Europe***

- [European] Convention for the Protection of Human Rights and Fundamental Freedoms (1950, as amended by Protocol 14, entered into force 1 June 2010)
- [First] Protocol to the [European] Convention for the Protection of Human Rights and Fundamental Freedoms (1952)
- Framework Convention for the Protection of National Minorities (1995)
- European Charter of Local Self-Government (1985)
- European Commission on Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters (2002)

***European Union***

- Charter of Fundamental Rights of the European Union (2000)
- Cotonou Agreement between the EU and the African, Caribbean and Pacific States (ACP) (2000)

***Organization for Security and Cooperation in Europe***

- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE [OSCE] (29 June 1990, Copenhagen, Denmark)
- Organization for Security and Cooperation in Europe (OSCE) Charter of Paris for a New Europe (1990)

***Commonwealth of Independent States***

- Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms (1995)
- Convention on the Standards of Democratic Elections, Equal Rights and Freedoms of the Member States of the Commonwealth of Independent States (2002)

**The Commonwealth**

- Declaration of Commonwealth Principles (1971)
- The Harare Commonwealth Declaration (1991)
- Millbrook Commonwealth Action Programme on the Harare Declaration (1995)

**The League of Arab States and The Islamic Conference**

- Arab Charter on Human Rights, League of Arab States (2004)
- Cairo Declaration on Human Rights in Islam, Islamic Conference (1990)

**Other Relevant Documents**

- The Zagreb Commitments to a Common Approach to Domestic Election Observation in the OSCE Region (29 June 2003, Zagreb, Croatia)
- Conference Declaration of the European Domestic Observer Forum (23 June 2003, Zagreb, Croatia)
- Draft Declaration of Principles for Domestic Election Observation (29 January 2009, by the Free and Fair Election Network – FAFEN, Pakistan)