

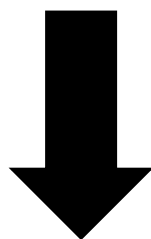


**INTERNATIONAL ELECTORAL OBSERVATION
AS A TOOL
FOR PROMOTING HUMAN RIGHTS?**

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Election and Human Rights

Genuine, democratic electoral process



System of government that can ensure:

- Respect for human rights
- Rule of law
- Development of democratic institutions

International Electoral Observation

- Boom since 1990s
- Many times part of international development cooperation projects (strengthening democratic institutions, electoral assistance...)
 - International electoral observation as an assessment instrument
 - Results of the observation can be used for changes in cooperation projects ("political conditionality of development cooperation")

International Electoral Observation

- **International Organizations**

- European Union
- OSCE/ODIHR (Office for Democratic Institutions and Human Rights)
- African Union
- Organization of American States
- Commonwealth
- ECOWAS
- SADC

...

International Electoral Observation

- (International) NGOs
 - Carter Center
 - National Democratic Institute
 - AEGEE
 - ...

Objection #1:

International observers impose their (mostly western) standards.

NO

1. electoral observation ≠ electoral assistance
2. report on electoral conduct takes only into account relevant international standards and national legal provisions.

International standards

Principles defined in international instruments, incl. political declarations

+

Clarification and interpretation developed within the framework of human rights bodies and courts

International Instruments

- Universal – United Nations
- Regional – regional organizations (AU, OAS, Council of Europe...)
 - Interpretation and enforcement: regional human rights courts and commissions

Universal Instruments: non-treaty standards (soft-law)

Article 21 of the Universal Declaration of Human Rights (UDHR) (1948)

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.

- International Covenant on Civil and Political Rights (1966), Art. 25
- Convention on the Elimination of All Forms of Racial Discrimination (1965), Art. 5
- Convention on the Elimination of All Forms of Discrimination against Women (1979), Art. 7
- UN Convention on the Rights of Persons with Disabilities (2006), Art. 29

Regional Instruments

- Council of Europe
 - Convention for the Protection of Human Rights and Fundamental Freedoms – ECHR
 - Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952)
- Organization for Security and Cooperation in Europe
 - Copenhagen Document (1991)
- Organization of American States
 - American Convention on Human Rights (1969)
- African Union
 - The OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (2002)

Is there an implicit bias?

Objection #2:

International observers can never fully understand local conditions and context.

YES and NO

Depends on the structure of Electoral Observation Missions (EOMs) and their methodology

EU and OSCE EOMs' structure

- Core team
 - Legal Expert, Political Analyst, Media Analyst...
 - Active on the central level
 - Usually two month before the electoral day and one month after
- Long-term observers
 - Active on the regional level
 - Usually one month before the E-day and two weeks after
- Short-term observers
 - Active on the local level
 - Usually one week before the E-day and few days after

EU and OSCE EOMs' methodology

- Highly standardized
- Based on collection of qualitative and quantitative data (interviews, campaign materials, media coverage, data collected in polling stations during the E-day)

Objection #3:

International observers often play the role of "useful idiots".

YES and NO

CRIMEA AND SEVASTOPOL 18 MAR 2018, 08:25

International observers from UK, US, Ukraine monitor elections in Crimea

On Sunday, Crimea and Sevastopol mark the fourth anniversary of reunification with Russia



SIMFEROPOL, March 18. /TASS/. Forty-three international observers from 20 countries, including the United Kingdom, the United States and Ukraine, arrived in Crimea to monitor the Russian presidential election, which is held on the Black Sea Peninsula for the first time, the regional election commission's chairman said.



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Kenyan court ruling puts 'election observer industry' in a tight spot



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Objection #4:

International electoral observation has no real impact on the quality of electoral process.

NO, it has

International Electoral Observation Impact

- Informs about the electoral event and its context
- Provides assessment and recommendations
- Through its presence and visibility, it often gives an implicit support to opposition media, political parties and NGOs
- Opens discussion on issues of discrimination (women, elderly and disabled people, ethnic and religious minorities) and compliance with international commitments

Questions, doubts, comments?