

## EXCERPTS OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

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- (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:
- (51) 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;
- .....
- (53) the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;
- (54) a clear separation between the States and political parties; in particular, political parties will not be merged with the State;
- .....
- (59) all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination of any grounds;
- (510) everyone will have an effective means of redress against administrative decisions, so as to guarantee respect of fundamental rights and ensure legal integrity;
- (511) administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available . . . .
- (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.
- (7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will:
- (71) hold free elections at reasonable intervals, as established by law;
- (72) permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
- (73) guarantee universal and equal suffrage to adult citizens;
- (74) 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;
- (75) respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
- (76) 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;
- (77) ensure that laws 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 or retribution;
- (78) 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;
- (79) 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.

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- (8) The participating States, consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavor to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.
- .....
- (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:
- (101) 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;
- .....
- (103) 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;
- (104) allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations and to solicit, receive and utilize for the purpose of promoting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law.
- .....
- (24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.
- Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

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PROTOCOL (No. 1) TO THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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*Article 3*

The High Contracting Parties undertake to hold free and fair 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 the legislature.

## SAMPLE PROVISIONS FOR DOMESTIC MONITORS

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LAW ON LOCAL ELECTIONS  
PARLIAMENT  
ROMANIA, 1992

*Article 51*

... The polling operations may be attended by foreign observers and Romanian (*i.e.*, domestic) observers, accredited for this purpose.

Accreditation as Romanian observers can be given to representatives of legally created non-governmental organizations whose only goal is to protect human rights.

Such organizations may nominate only persons who are not members of a party or political organization.

The accreditation of a Romanian observer can be questioned at the Central Electoral Commission.

Besides the members of the electoral bureau of the polling station, the persons accredited in keeping with (this) law and Romanian and foreign journalists, no other person shall be allowed to remain in the public places in the polling area or in the polling station longer than the time needed for the polling operations.

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CODE OF CONDUCT FOR OBSERVERS  
REGULATION OF THE INDEPENDENT ELECTORAL COMMISSION  
SOUTH AFRICA, 1994

*PRELIMINARY*

1. This Code shall be binding upon all Observers registered with the Commission.
2. The object of this Code shall be to ensure that the activities of Observers are facilitated by the Commission, conducted with integrity, and contribute to public confidence in the electoral process.

*THE CODE*

All registered Observers undertake that their observer activities throughout the election period shall be conducted in accordance with the following principles, viz:

- (a) Observers shall maintain strict impartiality in the conduct of their duties, and shall at no time indicate or express any bias, or preference with reference to any registered party or nominated candidate.
- (b) Observers shall when so requested immediately identify themselves to any interested person, and shall during the conduct of their activities at all times carry, wear or otherwise prominently display the prescribed identification badges or cards issued by the Commission to registered Observers and their vehicles.
- (c) Observers shall refrain from carrying, wearing and displaying any electoral material or any article of clothing, emblem, colours, badges or other item denoting support for or opposition to any party or candidate, or with reference to any of the issues in contention in the elections.
- (d) Observers shall refrain from the carrying or displaying of arms during the conduct of their observer duties or while wearing the insignia issued by the Chief Director (of) Monitoring.
- (e) Observers shall ensure that their conduct strictly conforms to the laws and regulations ... and they shall both acknowledge the overall authority, and abide by the decisions of the Commission, and its sub-structures, in relation to their conduct as Observers.

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## SAMPLE MONITORING FORMS

**E**very monitoring operation should develop and distribute forms on which personnel can record their observations. Forms enhance the uniformity of the information you collect and, in some cases, facilitate the effort to quantify findings. Note that by including simple instructions and using multiple choice questions (i.e., those that prompt observers to indicate “Yes” or “No,” or to select answers “a,” “b,” or “c”) you can help ensure that the observers can record their findings quickly and accurately.

The selections that are reproduced in this appendix were designed and used by domestic groups when monitoring different phases of the electoral process—from the campaign rallies of the pre-election period through the voting on election day to the post-election lodging of formal complaints.

## CAMPAIGN ACTIVITIES REPORT FORM

The *Campaign Activities Form* was used to monitor campaign activities in the pre-election period by members of the coalition of civic organizations called the National Electoral Observer Network (NEON) and by international observers during South Africa’s 1994 national elections. The form was produced by the U.S.-based Lawyers Committee for Civil Rights Under Law. Note the placement of simple instructions at the top of the page.

## MEDIA OBSERVATION REPORT FORM

The *Formular Pentru Urmarirea Stirilor Televizate* was produced by the Pro Democracy Association (PDA) to monitor the amount and quality of campaign coverage by television stations during Romania’s 1992 local elections. Questions 2-5, respectively, ask the observer to record: the length of a television news story (from 15 seconds to more than three minutes); any political party named in the story; and whether the story was favorable or unfavorable for either the government, the parliament or a particular political party.

## VOTING PROCESS REPORT FORM

The *Summary Report, Checklist for Election Day* was used by members of the Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Afrique) for the 1993 national elections in Niger. This form was designed to enable observers to record summary information about the voting process (but not the counting process or the election results) on a single page that could be faxed to a central collection point. Notice the use of numbers (1-9) to codify the type of irregularities observed and the use of letters (A-D) to characterize the overall quality of the process. This form was distributed with another form for observing the counting process and a training manual that explained proper voting procedures and described various problems that might arise.

## COUNTING PROCESS REPORT FORM

The *Polling Place Report: The Count* was produced by the Electoral Assistance Bureau in Guyana. The top part of the form provides boxes in which observers are asked to circle “Y” or “N” (Yes or No) to answer certain questions about the counting process. The bottom of the form provides space for the observer to record the results of the count. Notice the small numbers (50-72) that guide computer processors in aggregating the information.