

Compendium of International Standards for Elections



Third Edition

Compendium of
International Standards for Elections

NEEDS	European Commission
15-17 Rue Belliard	200, Rue de la Loi
Brussels 1040	B-1040 Brussels
Belgium	Belgium

Graphic design: Tegl Design AB

Cover photos: Ana Paula Afonso, Salvador Giné, Isabel Ribot, Sonia Sapienza, Jan Solovic, Nicolas Teindas

Printed by Albe De Coker, Belgium

ISBN 978-91-633-1479-7

Table of contents

1. How to Use International Standards in Assessing an Election Process	1
2. International Human Rights Norms and the Right to Participation through Elections	9
3. Explanations on Categories of Election Standards.....	35
4. Text of Key International Standards Instruments	39
Universal Instruments.....	41
Regional Instruments	81
Political Commitments	203
Other Initiatives	213
5. Matrix Indicating Membership of Universal and Regional Organisations	241
6. International Standards Commitments by Country	253
7. International Standards by Area of Assessment	267
8. International Standards by Obligation	297
Annex	307
Annex 1. List of Useful Websites	308
Annex 2. List of Abbreviations	323
Acknowledgements	325
The Network of Europeans for Electoral and Democracy Support	326

Preface

Elections are examples of human rights in practice. Achieving a democratic electoral process is part of establishing a system of government that can ensure respect for human rights, the rule of law and the development of democratic institutions. In this respect, international standards for elections, established by universal and regional treaties and political commitments, provide a basis for the assessment of an election process. Such standards include political rights and fundamental freedoms as outlined in the Universal Declaration of Human Rights.

The European Union has a long tradition of supporting human rights, democracy and the rule of law throughout the world, and these principles are enshrined in the basic EU treaties as fundamental values. In this context, the deployment of EU Election Observation Missions constitutes an important EU foreign policy and external assistance instrument.

This compendium aims to assist EU Election Observation Missions and other interested stakeholders in clearly identifying the international standards to use in assessing the conduct of elections. It is the Commission's expectation that EU Election Observation Missions will make use of this new tool to assess the conduct of elections in line with international standards and ensure coherence among EU Election Observation Missions.

European Commission, November 2007

1. How to Use International Standards in Assessing an Election Process

International standards for elections are agreed benchmarks for considering the quality of an election. Assessment of electoral frameworks and practice using international standards enables clear identification of electoral strengths and shortcomings based on criteria that are formalised and recognised, thereby reducing the risk of subjective personalised or politicised conclusions. Reference to obligations contained in treaties and other documents explicitly committed to by the concerned State is particularly powerful.

This Compendium provides: an explanation of international standards for elections, the key relevant texts, a matrix of the commitments of individual countries, information on standards by area of assessment and obligation, and a list of web resources for further information and for checking for updates. It is primarily designed for people working on EU international election observation missions, but may also be used by Election Management Bodies (EMBs), other election practitioners, as well as interested stakeholders and analysts. This first chapter explains how the material contained in the Compendium may be used.

Who should be considering international standards for elections and when

Anyone with an interest in the quality of an election process should refer to international standards. This includes: parliamentarians and law makers, election administrators, implementers of technical assistance to an election process, international and domestic observers, candidates and parties, civil society organisations, and any other interested stakeholder or analyst. International standards provide those interested in an election with a tool for analysing the process according to agreed criteria for genuine elections.

When first considering an election process, it is helpful to immediately begin by identifying the international commitments the concerned State has made, so that the obligations the country has chosen to make are clear. Then when the election process is being examined, all areas of the election can be considered in regard to the international commitments the concerned State has made, as well as other

international standards. Such analysis can take place in advance of an election (considering the stages that have happened so far and the potential for future compliance), during an election process (for example in election observation mission reporting) or retrospectively after the election has been concluded.

Why use international standards

Assessment of an election process is extremely complex, with consideration needed of technical, political and social factors. Analysis of strengths, problems, potential problems and possible solutions is not an exact science with judgement needed to identify key issues and potential remedies. Thus analysis of an election process is vulnerable to the shortcomings and political biases of the individuals involved. However international standards give some solution to this problem in that they contain agreed benchmarks for elections. Such benchmarks can serve as a standardised framework for examination of an election process. Individual skill is still of course required for analysis of how an election meets the international standards, and what recommendations are advisable. Thus variance in conclusions is still to be expected, but the use of international standards means that at least the goals are explicit and agreed upon.

Use of international standards in assessment of an election process has the following advantages:

1. The rules of the game are known and agreed in advance.
This enables stakeholders to know how to develop an electoral process and how an election will be assessed. All those involved in the election have the same reference points.
2. Conclusions are likely to be more comprehensive, reliable and useful.
There is less subjectivity, and therefore risk of personal misjudgments or omissions.
3. There is likely to be greater acceptance of conclusions and recommendations.
There is reduced risk of an election analysis being interpreted as foreign interference if reference is made to international standards particularly those contained in treaties and agreements to which the country has explicitly committed to.
4. Conclusions on an electoral process can be more easily considered by human rights treaty monitoring bodies.
Reports that make explicit reference to obligations contained in a treaty or agreement can be more easily referenced by bodies that are responsible for assessing compliance as well as others who are interested.

How to prepare for using international standards

Referring to international standards can seem daunting, particularly for non-lawyers. However explanations and reference materials are easily accessible.

1. *Understand the framework of international human rights.*

Read Compendium chapters 2 (International Human Rights Norms and the Right to Participation through Elections) and 3 (Explanations of Categories of Election Standards). These explain the framework of international standards and the weight that different types of instruments and documents have.

Some of the main things to know are:

- *Treaty standards* (universal and regional) – these contain legally binding obligations in a treaty that individual States sign up to. These are the strongest instrument as the concerned State has made an explicit commitment to these standards. Universal instruments are open to all States to sign up to. Regionally instruments can often have more meaning to the people of the concerned State.

Example, universal: The International Covenant on Civil and Political Rights (ICCPR) is a legally binding treaty adopted within the UN that over 165 States have ratified. Article 25 of the ICCPR has specific obligations relating to elections.

Example, regional: African Charter on Human and People's Rights (African Union).

General comments (or recommendations) for universal instruments are issued by human rights treaty monitoring bodies as instruments of overall interpretation of treaty standards. They contain some detail about what is examined when considering a State's compliance with a legally binding treaty. These authoritative comments are not in themselves binding, but they provide authoritative guidance. For instance, Article 25 of the ICCPR is authoritatively elaborated in General Comment 25 of the UN Human Rights Committee.

- *Non-treaty standards* (universal and regional) – these are non-legally binding documents or instruments.

The primary universal non-binding document is the Universal Declaration of Human Rights (UDHR) in which elections are referenced in Article 21. The UDHR, adopted by the UN General Assembly, expresses a strong moral standard.

UN General Assembly resolutions also have a persuasive power, showing direction and intent, but are not binding.

Political commitments are pledges made by States that are not legally binding. They express intent by the concerned States. A regional example is the OSCE Copenhagen Commitments.

2. *Read the texts*

Read chapter 4 which contains the key texts. Of particular importance are ICCPR Article 25 and accompanying General Comment 25, and UDHR Article 20. The chapter also contains excerpts of the Convention against Corruption (UNCAC, 2003) and an UN General Assembly resolution that contain language on transparency (a critical part of any election).

Treaty standard (universal and regional)	Non-treaty standard (universal and regional)
<p>Legally binding for a state that has ratified the treaty (e.g. ICCPR)</p> <ul style="list-style-type: none"> • General comments/recommendations by human rights treaty monitoring bodies (e.g. General Comment 25 gives authoritative interpretation of ICCPR Article 25). 	<p>Not legally binding</p> <ul style="list-style-type: none"> • E.g. UDHR (strong moral commitment on all UN Member States) • UN General Assembly resolutions (persuasive on all UN Member States, particularly those that supported the resolution) • Political commitments (for States that sign up)

Identifying relevant international standards when looking at an election

1. *Look up the specific commitments of the country you are interested in.*

Look up the country you are interested in and find out what commitments it has made so that you know the legally and politically binding commitments the country has made that therefore you should be referring to in your analysis. Use the matrix in chapter 5 to see what universal and regional organisations the concerned State is a member of (and therefore what obligations the country has). Then look at chapter 6 to see what agreements it has signed up to. You can also check treaty databases online, listed in annex 1, to see if the country you are interested in has signed a treaty since this Compendium was published. Read the relevant parts of the applicable treaties.

2. *Go through the different areas of electoral assessment and consider if international standards relating to each area are being upheld or breached (or if there is a risk they will be breached in the future).*

Chapter 7 goes through the various different areas of assessment that should be considered when looking at an election process. It identifies key universal international standards texts. In particular it lists key treaty standards (as stipulated in the ICCPR and other treaties), and key non-treaty standards (authoritative general comments/recommendations, UDHR and UN General Assembly resolutions).

3. *Look up what other documents and instruments refer to the obligation, so that you can quote all applicable documents and instruments.*

Chapter 8 contains a matrix that goes through the eight obligations contained in Article 25 of the ICCPR – periodic elections, genuine elections, the right to stand, universal suffrage, the right to vote, equal suffrage, secret vote, and free expression of the will of the electors. It also covers the fundamental freedoms necessary for elections (expression, assembly, association and movement) and the right to an effective remedy, which are detailed in other articles of the ICCPR. For each ICCPR obligation, you can find reference details for the obligation in other key documents and instruments. This is useful for providing full references, including to regional treaties and commitments.

Referring to international standards in analysis

When referring to international standards it is important to remember a few points:

- *Identify areas of non-compliance and distinguish which of these are most serious.*
The reasons for non-compliance are critical, with careful assessment needed of aggravating and mitigating factors (this is often referred to as the “grey zone”). Even when there are mitigating circumstances it is important to still identify shortcomings in an election so there is clarity about where further development is needed.
- *Make sure references to international standards are specific. Where possible, refer to regional standards as well as universal standards.*

Simply saying that an election “did not meet international standards” is not helpful and does not make an assessment more credible. Instead, spell out the relevant obligation(s) and cite the reference. For example “the elections fall short of a number of international standards, including freedom of expression (UDHR Article 19) and the right to universal and equal suffrage (African Charter on Democracy, Elections and Governance Article 4 and UDHR Article 21).“



- *Be explicit in identifying which international standards are legally binding – these are more powerful as the State has chosen to commit to these obligations.*

For example “the shortcomings in the voter registration process resulted in a failure to provide for universal and equal suffrage as required under Article 25 of the ICCPR (ratified by X country on X date).”

- *If the concerned State has not signed up to any legally binding treaty, reference can still be made to non-treaty standard instruments.*

If the concerned State has not signed up to any legally binding treaty, the UDHR may still be referred to. In addition the comments of the UN Human Rights Committee (particularly General Comment 25) can still be relevant and valid as the ICCPR is an elaboration of the rights contained in the UDHR. References may also be made to political agreements the concerned State has chosen to sign up to. UN General Assembly resolutions have a normative persua-

sive value, the significance of which is increased if the concerned State voted in favour of the relevant resolution.

- *Limited reference may be made to treaties even if the concerned State has not signed up to the treaty.*

If the concerned State has not signed up to a treaty, it has no obligation to the standards contained in the treaty. However the treaty may still be referred to, not as an obligation, but as an example of State practice undertaken by other States. For example, reference may be made to the contents of the Convention on the Rights of Persons with Disabilities (CPRD) even if the concerned country is not a State party to the convention. Recommendations can also be made that a State sign up to a treaty or political agreement.

- *If there is no relevant international standard, refer to good practice.*

If there is no reference to the issue of concern in any document or instrument, references may be made to good practices. These are practices which are assessed to be effective in achieving elections that meet international standards. However good practices are not codified in any document to which States subscribe, therefore there is no obligation by a State to implement particular good practices. The identification and application of good practices is very context-specific, and assessment of what good practices are most appropriate is a matter of individual judgement.

How to use international standards in election work

<p>Preparation</p>	<ul style="list-style-type: none"> • Understand the framework of human rights (chapters 2 and 3) and read the relevant texts (chapter 4).
<p>Identifying relevant international standards</p>	<ol style="list-style-type: none"> 1. Look up the specific commitments of the country you are interested in (chapters 5 and 6) and check for updates (see relevant websites). Read the applicable treaties. 2. Go through the different areas of electoral assessment and consider if international standards relating to each area are being upheld or breached (chapter 7). 3. Look up what other documents and instruments refer to the obligation, so that you can site all applicable documents and instruments (chapter 8).
<p>Referring to international standards</p>	<ul style="list-style-type: none"> • Identify areas of non-compliance and distinguish which of these are most serious. • Make sure references to international standards are specific. Where possible, refer to regional standards as well as universal standards. • Be explicit in identifying which international standards the legally binding – these are more powerful as the State has chosen to commit to these obligations. • If there is no relevant international standard, refer to good practice.

Table of contents

2. International Human Rights Norms and the Right to Participation through Elections	10
2.1 Introduction	10
2.2 The Global Norm of Participation.....	13
2.3 Participation of Special Groups	19
2.4 Developments in Europe.....	22
2.5 Participation in the Americas, Africa and Asia	25
2.6 Conclusion	30

2. International Human Rights Norms and the Right to Participation through Elections

2.1 Introduction

Before World War II, 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 World War II, the conviction that such rights should be granted in a binding form at international rather than 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 these human rights for later adoption of a Bill of Human Rights. This work led to the adoption of the Universal Declaration of Human Rights (hereinafter: the Universal Declaration) by the United Nations General Assembly in December 1948, an adoption that took place just before the so-called Cold War broke out. It is important to remember that the Universal Declaration, formally speaking, is not a treaty about human rights but 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 usually not mentioned as a term connected to participation in human rights documents.

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.

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.

The article is mainly concerned with the level of 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 cases where 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 power is to be legitimised by the people. However, the sentence does not 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 is given of how the will of the people shall be expressed, with reference to a series of election elements.

The first requirement 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 elements are periodic elections, genuine elections, universal suffrage, equal suffrage, and secrecy of the vote.

The requirement for *periodic elections* implies that a country's legislation should prescribe 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 of 5–6 years. This element also contains the implicit

need for a responsive and independent election administration or other such structure to ensure the timely holding of the election.

The element of *genuine elections* may be understood at 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, assembly, association, and 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. This element concerns who, among the “everyone”, that should have the right to participate in elections, with a premise that it should be defined in terms as inclusive as possible. It is implicitly understood that a relationship of some sort between the individual and the country in question can be required, in addition to the usual requirement for a minimum age.

The reference to *equal suffrage* is related to equality among the electorate in the actual voting. At the outset, equal suffrage translates into the maxim “one person, one vote”. That is to say, voters should have an equal number of votes at their disposal when carrying out the act of voting. Also, each vote should count more or less the same, 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. It holds that the voter should cast his or her vote in secret. Nobody else should be able to see how the voter votes, guaranteeing 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 imply that it is impossible to attribute a vote, marked in the secrecy of the polling booth, to any particular voter. Rather, the ballot paper, when marked and dropped into the ballot box, must 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 ICCPR) 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 (ICCPR) (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 ICCPR is about participation, it does not mention the word democracy. In fact, it deserves to be repeated that very few binding 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)¹ concerning Article 25 of the ICCPR, it is stated that whatever form of constitution or government is in force, the ICCPR 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 ICCPR and Article 25 as a legally binding human rights document and norm, creating formal obligations for states that have signed and ratified the ICCPR. Against this background, the ICCPR is clearly a binding human rights norm at the level of international law. Correspondingly, Article 25 of the ICCPR is binding in relation to the states that have ratified it. As a consequence, the provision

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

Article 25 of the ICCPR 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 ICCPR to that group of persons the state itself has recognised as being its citizens.

The reference to not only the right but also the opportunity to take part differs, too, from Article 21 in the Universal Declaration. This reference is there 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*. Thus, 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 that 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 ICCPR 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 reference to Article 2 brings prohibition of discrimination into the ambit of Article 25 of the ICCPR, but it should be noted that such a dimension is included already in the very first word of Article 25: “every”.

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 ICCPR, the UN HRC, is obviously the body which – especially on the basis of individual complaints that it receives – 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* (see footnotes below).

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 is much broader. Whereas Article 21 is primarily focused on the government of a country, Article 25 of the ICCPR 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 regional and local government levels.

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 voter participation in elections and as concerns the reference to freely chosen representatives. This operationalisation actually defines what the ICCPR 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 matters: firstly, the necessary elements for elections, and secondly, the idea of an electoral cycle or 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 by the referendum is, however, not excluded. In fact, the election norms are also relevant for assessing referendum procedures, because many of the elements of election are applicable to referendums. Secondly, the provision does not prescribe any particular electoral system.

As concerns the elements of election, it is possible to identify a number of distinct features, namely the right to vote and the right to stand as a candidate, genuine as well as periodic elections, universal as well as equal suffrage, the 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 and very important dimension, not anymore only implied but made explicit.

There is a body of cases from so-called treaty-bodies supervising the application of the human rights treaties that illustrate the interpretation of the various election elements. The list of cases attached to the various election elements below will include jurisprudence from both the UN Human Rights Committee and the European human rights system,² as well as some cases from the Inter-American Commission on Human Rights, and the African Commission on Human and Peoples’ Rights. It should be noted that General Comment 25 concerning the right to participation of the UN HRC says something about virtually every election element.

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

The attribution of a continuous character to the right to participate through elections strongly underlines the fact that the simple act of voting on Election Day does not exhaust elections nor 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.³

The extension of elections far beyond the immediate act of voting also has wider implications. It makes it necessary 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 by a cyclical understanding of elections and through the requirement of the *genuine* nature of the elections.⁴

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. It does not imply that citizens have a subjective right to become members of any elected body, but rather that all citizens qualifying under the provisions of the law should have not only the right but also the opportunity to stand as a candidate. The right to stand for election also includes recognition of the right to stand as an independent candidate.⁵ 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 in the first place, nor 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 implies that the national law should contain sufficient provisions concerning registration of parties and candidates so as to give all political opinions and groupings equal opportunity – without any of the distinctions mentioned in Article 2 of the ICCPR and without unreasonable restrictions – to officially become participants in the electoral process leading up to an election. Registration procedures should not be so difficult as to inhibit candidacy (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). During this stage of the electoral cycle, which is crucial for the outcome of the elections, the free expression of the electors' will should not be unduly restricted, but rather promoted.

The element on the right to be elected could also be developed beyond ordinary concerns related to the nomination of candidates, so as to target a number of special groups such as women and minorities 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 *Joszeff Debreczeny v. the Netherlands*, 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 ICCPR. 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.”

Through the term “every citizen”, the element of *universal suffrage* emphasises inclusiveness as well as non-discrimination within the group of persons to whom the right to vote is granted. As a practical matter, universal suffrage boils down to the composition of voters lists during a period of time before the elections. The visible outcome is the specific list of voters managed by the election administrators on election day in the polling station.⁶

Voting in elections on the basis of the right to vote is normally quite uncontroversial once a voter is registered on the voters' list. It entails the rights of access to the polling station, to receive ballot materials, to mark the ballot paper in a polling booth, and to deposit the ballot paper in the ballot box. The right to vote can also be said to entail a right to have one's vote counted. The development of electronic methods of voting may affect the procedure of balloting, and it may contain prob-

lems from the point of view of at least two other election elements, namely the secrecy and the equality of the vote.⁷

The element of *equal suffrage* deals with the principle of “one person, one vote” and its adjacent dimension that each vote should carry more or less the same weight, with implications for the delineation of electoral district boundaries, thus preventing, *for instance*, so-called gerrymandering. However, if justifiable reasons exist, it should not be impossible to undertake positive measures under the election law in order to promote the political position of disadvantaged groups.⁸

The element of *secrecy* aims at ensuring for the voter an environment in which s/he can make her or his own choice, without undue influence or intimidation from any other person, and without fear that her or his choice would become known after the vote has been cast.⁹

The final election element in Article 25(b) of the ICCPR, the element of the *free expression of the will of the electors*, is of a summary nature. Through the expression “guaranteeing”, it emphasises the importance of fulfilment of the other election elements. The free expression of the will of the voters is hence the aim of Article 25 of the ICCPR.

There are complicating factors here as well. For instance, political parties and candidates cannot, in most societies, carry out a significant election campaign without sufficient funds at their disposal. While such funds are needed, and the legality of donations to such ends cannot be questioned, campaign financing may come with strings that attach the party or the candidate to the donor. To prevent legitimate campaign funding from transgressing the line and becoming a non-legitimate method of influence, some regulatory measures are needed. This has been identified as an area of possible legislative action by the UN HRC: “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.” In respect of illegitimate donations, action has been taken by different international organisations through the adoption of conventions for the fight against corruption, such as the United Nations (2003), the Organization of American States (1996), the African Union (2003), the Council of Europe (1999), the European Union (1997) and the Organization of Economic Co-operation and Development (1997). In most cases, these conventions pass anti-corruption rules concerning elected public officials and civil servants in manners that may also become relevant in the context of elections. In doing so, anti-corruption rules may protect, in particular, two election elements, namely equal suffrage and the free expression of the will of the voters, at the same time as they protect the integrity of the election administration.

The issue of the free expression of the will of the electors is, of course, not closed once internal safeguards are in place. It must also be possible to bring issues deal-

ing with the elections to external review as regards their legality. For this reason, complaints mechanisms should be in place. Voters, as well as parties and candidates, should be 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, has an effective remedy. The remedy should preferably be judicial. In terms of the UN HRC, “[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, either in the entire country or in the constituency that has been affected by misconduct.¹⁰

As our review of the contents of Article 25 of the ICCPR 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 ICCPR 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 (ICERD) and the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as well as in the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD).

Article 5 of the UN Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (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 of the ICERD, 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 ICERD. The ICERD 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 ICERD 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 ICCPR, 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 part of the people.

Article 7 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (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, and 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 ICCPR. 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 ICERD – 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 – point out that there are certain disadvantaged groups in society which may need special attention in terms of participation. It is of little help that these groups have equal right to vote, if nominated candidates contain nobody from these groups. Therefore, it might be possible to promote the participation of these groups already at the nominations stage, for instance by informing them of the necessity to avail themselves of the legal mechanisms to nominate candidates.

This perspective gets much support also in Article 5 of the ICERD with a view to the groups mentioned therein. The ICERD provision separates immediate accessibility through participation from 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. Its Article 2 tries to enhance the effective participation of minorities. One possible way could be so-called reserved seats for minority groups, created so as not to violate the election principles more than is justifiable and necessary.

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 so-called 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.”¹¹

A recent addition to the norms concerning special groups is the CRPD, which contains strong language on participation of persons with disabilities in Article 29. While the provision creates positive obligations on the part of the state to take into account disabled voters, it simultaneously benefits every other voter in many ways.

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 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. The ECHR did not in its original fashion of 1950 contain any mention of participation as such, although its articles made provisions concerning the adjacent political rights, that is, everyone's freedom of expression, of association and of assembly.

Interestingly, rather than providing citizens with a right to vote in elections, Article 3 of the First Protocol from 1952 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 ICCPR. In addition to the requirement of *fixed* intervals in national legislation, Article 3 asks the state to establish a *reasonable* interval for the elections. This requirement certainly excludes the possibility of fixing very long intervals – such as a generation or 10 years – while indicating 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 and 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 political choice, familiar to us from the Universal Declaration and the CCPR, is also reflected in the OSCE principles adopted in the so-called Copenhagen Document, which came into existence in the period following the era of the Cold War. In this Document, Paragraph 3, it is declared that the partic-

icipating 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 (1991)

- (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 organisations to compete with each other on a basis of equal treatment before the law and the authorities. Competition between political contestants will be the basis for the expression of the electors’ free will.

The Copenhagen Document and the work of the OSCE in general has been material to the development of electoral rules in Europe. For instance, in the area of minority protection, another field touched upon in the Copenhagen Document, binding norms emphasizing the effective participation of minorities were issued by the Council of Europe in the 1995 Framework Convention for the Protection of National Minorities. Also in 1995, another system of conventions was grounded by the Commonwealth of Independent States, originally founded in 1991, through which election-related norms were extended also to Central Asia. The CIS Convention on Human Rights and Fundamental Freedoms contains in Article 29 language similar to Article 25 of the CCPR, but with the difference that participation through elections is guaranteed in accordance with national legislation. The problematic “return” of the right from the level of international human rights law to the level of national law may perhaps to some extent be mitigated by the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the CIS. The Convention spells out its own definitions of various election elements, including funding issues, the involvement of the State in informational support and campaigning, the status and powers of both national and international observers, complaints procedures and measures that are not to be considered discriminatory (for instance, positive measures concerning minorities). It remains to be seen if the application of the 2002

Convention will take place in harmony with the CCPR and the ECHR as well as the OSCE, something which is made possible under Article 20 of the Convention, or if the practice will result in deviations from the international standards. At least as concerns international election observation, the CIS election observation missions have, on a number of occasions, reached conclusions that are almost diametrically opposed to those of the OSCE/ODIHR election observation missions.

2.5 Participation in the Americas, Africa and Asia

The Americas

The Charter of the Organization of American States (1948) 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 OAS Charter, 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 ICCPR.

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. This is sustained by a provision on the right to vote and to participate in government in Article XX of the American Declaration of the Rights and Duties of Man (1948) and by the Inter-American Democratic Charter (2001).

One difference between Article 25 of the ICCPR and Article 23 of the American Convention on Human Rights is that the American Convention adds a limitation clause. On the basis of this clause, 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 problematic against the background of Article 25 of the ICCPR, which in its *chapeau* makes a reference to the principle of non-discrimination in its Article 2 and to the prohibition of unreasonable restrictions. The language

criterion could perhaps also be problematic in relation to Article 27 of the ICCPR 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 is party to the American Convention and the ICCPR at the same time, and 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 ICCPR.

Africa

On the African continent, the African Charter on Human and Peoples' Rights was concluded in 1981. In Article 13 of this Charter, there is a participation clause that opens up in a manner similar to Article 25 of the ICCPR 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 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.

The African Charter says nothing concrete 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 – the freely chosen representatives – seems to presuppose elections, but neither elections nor 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. Such a point is made in relation to election observation in the case of the *Constitutional Rights Project and Civil Liberties Organisation v. Nigeria* by the African Commission on Human and Peoples' Rights. In its submission to the African Commission, the Nigerian government acknowledged that international observers of elections, applying international standards, judged the elections to be free and fair. "Yet it discounted the judgment of these international observers and substituted its own, unsupported, judgment" when the Nigerian military government annulled the results from the presidential election of 1993. "A basic premise of international human rights law is that certain standards must be constant across national borders, and governments must

be held accountable to these standards. The criteria for what constitutes free and fair elections are internationally agreed upon, and international observers are put in place to apply these criteria. It would be contrary to the logic of international law, if a national government with a vested interest in the outcome of an election, were the final arbiter of whether the election took place in accordance with international standards.”¹² The African Commission on Human and Peoples’ Rights held that Nigeria had violated, *inter alia*, Article 13 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 (2002)

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.

The African Charter on Democracy, Elections and Governance (2007) is an important addition to the regional regulation of elections, specifying in its Article 17 the contents of democratic elections and reinforcing the normative nature of the above Declaration by re-affirming the commitment of the State Parties to holding regular, transparent, free and fair elections in accordance with the Declaration.

Asia

In Asia, there are no comprehensive regional-level human rights conventions and consequently no specific regionally expressed right to participation with rules on elections. In case of elections organized in Asia, Article 25 of the CCPR is applicable, if a State has ratified it. If this is not the case, an argument to the same effect in the electoral area could be developed on the basis of Article 21 of the Universal Declaration. However, the CIS conventions with provisions in the area of elections in principle extend themselves to the Central Asian space of the former Soviet Union.

In addition, the Arab Charter on Human Rights, which was concluded within the framework of the League of Arab States and which entered into force in 2008, may be referred to as a partial regional document for two continents, the Western parts of Asia and and the Northern parts of Africa. The Arab Charter replaced a corresponding document from 1994, which did not receive sufficient support by the participating states. The Arab Charter contains in Article 24 a relatively broad provision concerning participation, which guarantees every citizen a number of specific rights. The right to freely pursue a political activity is supplemented by the right to freely form and join associations with others and by the right to freedom of association and of peaceful assembly, all of which are important rights, for instance, for the functioning of political parties. In addition, every citizen is guaranteed the right to take part in the conduct of public affairs, directly or through freely chosen representatives and, specifically, the right to stand for election or choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will.

The provision in the Arab Charter seems to be modelled, to a great extent, against the background of Article 25 of the CCPR, although the election elements of Article 25 are not explicitly replicated. This impression is strengthened by the additional right to the opportunity to gain access, on an equal footing with others, to public office in accordance with the principle of equal opportunity. However, Article 24 of the Arab Charter contains a limitation clause similar to those found in the ECHR according to which no restrictions may be placed on the exercise of these rights 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 health or

morals or the protection of the rights and freedoms of others. It remains to be seen how the Arab Human Rights Committee, the treaty body of seven experts established to examine periodic state reports, will, in the absence of a mechanism of individual complaints, deal with the provision in its concluding observations.

There are two organisations with an inter-regional reach amongst two different groups of countries, namely the Commonwealth and the Francophonie. The former is an organisation for countries with a British affiliation, while the latter is an organisation for countries with a French affiliation. Both organisations have adopted declarations in which the participating countries affirm their commitment to holding elections and to electoral norms.

2.6 Conclusion

In the 1991 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 statement does not deny the indivisibility or interdependence of human rights, nor is it an attempt to produce a hierarchy of human rights. Nonetheless, the resolution may suggest a logical ordering of human rights, so that full realisation of the right to participation, especially in the field of elections, will produce a representative law-making body, 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. Unattributed quotes of text later in this section are from this 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) by the HRC.

2. It should be noted that the cases resolved by the European Court of Human Rights do not have any binding effect outside the immediate European context, but they can be useful at least for giving direction for the argumentation and possibly also for interpretation.

3. Concerning the element of periodic elections, see the *Greek Case* (Yearbook of the European Convention on Human Rights, Vol. 12(1969)), dealing with the consequences of the military coup, and *José Luis Mazón Costa v. Spain* (Comm. No. 1745, CCPR/C/92/D/1745/2007 of 23 April 2008), in which the HRC, in the context of a consti-

tutional monarchy, concludes that while art. 25(b) of the CCPR guarantees the right to vote and to be elected at periodic elections, it does not grant a right to elect a head of State or to be elected to such position.

4. Concerning the element of genuine elections under the CCPR, see the case of *Kim Jong-Cheol v. the Republic of Korea* (Comm. 968/2001, U.N.Doc. CCPR/C/84/D/968/2001), which deals with the element of genuine elections from the perspective of the freedom of the press, and the case of *Viktor Korneenko v. Belarus* (Comm. No. 1553/2007, CCPR/C/95/D/1553/2007 of 24 April 2009. See also the case of *Shchetko and Shchetko v. Belarus* (Comm No. 1009/2001, CCPR/C/87/D/1009/2001 of 8 August 2006 concerning the imposition of fines on the applicants solely for having distributed leaflets that contained a call for boycott of a general election. For genuine elections under the ECHR, see the *Greek Case* (Yearbook of the European Convention on Human Rights, Vol. 12(1969)), *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), *Malisiewicz-Gasior v. Poland* (ECtHR, Judgment of 6 April 2006) and *TV Vest & Rogaland Pensjonistparti v. Norway* (ECtHR, Judgment of 11 December 2008) 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), the *Welfare Party v. Turkey* (ECtHR, Judgment of 13 February 2003), *Gorzelik and others v. Poland* (ECtHR, Judgment of 17 February 2004), *Linkov v. the Czech Republic* (ECtHR, Judgment of 7 December 2006), *Kavakçi v. Turkey* (ECtHR, Judgment of 5 April 2007) and *Silay v. Turkey* (ECtHR, Judgment of 5 April 2007) illustrate the right to association and assembly. The case of *Rekvényi v. Hungary* (ECtHR, Judgment of 20 May 1999) illustrates both the freedom of expression and the freedom of association area.

5. Concerning the element of the right to stand as a candidate under the CCPR, see the cases of *Peter Chiiko Bwalya v. Zambia* (Comm. 314/1988, U.N. Doc. CCPR A/48/40(1993)), *Alba Pietraroia v. Uruguay* (Comm. 44/1979, views adopted on 27 March 1981, and a number of other similar cases), *Josze Debreczeni 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), *Fongum Gorji-Dinka v. Cameroon* (Comm. 1134/2002, U.N. Doc. CCPR/C/83/D/1134/2002) and *M.S.B. Dissanayake v. Sri Lanka* (Comm. No. 1373/2005, U.N. Doc. CCPR/C/93/D/1373/2005 of 4 August 2008). See also from the ambit of the Inter-American Convention on Human Rights the case of *Andres Aylwin Azocar et al. v. Chile* (Report No. 137/99 of December 27, 1999, by the Inter-American Commission on Human Rights), *Whitbeck Piñol v. Guatemala* (Report No. 21/94 of September 22, 1994, by the Inter-American Commission on Human Rights), *María Merciadri de Morini v. Argentina* (Report No. 103/01 of October 11, 2001, by the Inter-American Commission on Human Rights; friendly settlement) and *Yatama v. Nicaragua* (Inter-American Court of HR, Judgment of 23 June 2005, Series C No. 127). For the right to stand as a candidate under the ECHR, see *Gitonas and others v. Greece* (ECtHR, Judgment of 1 July 1997, Reports of Judgments and Decisions 1997-IV, No. 42), *Ahmed and others v. the United Kingdom* (Application No. 22954/93, ECtHR, 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), *Melnychenko v. Ukraine* (ECtHR, Judgment of 30 March 2005),

Sukhovetsky v. Ukraine (ECtHR, Judgment of 28 March 2006), *Ždanoka v. Latvia* (ECtHR, Judgment of 16 March 2006), *Russian Conservative Party of Entrepreneurs and Others v. Russia* (ECtHR, Judgment of 11 January 2007), *Krasnov and Skuratov v. Russia* (ECtHR, Judgment of 19 July 2007), *Sarukhanyan v. Armenia* (ECtHR, Judgment of 27 May 2008), *Adamsons v. Latvia* (ECtHR, Judgment of 24 June 2008), *Tanase and Chirtoaca v. Moldova* (ECtHR, Judgment of 18 November 2008; referral to Grand Chamber), *Petkov and others v. Bulgaria* (ECtHR, Judgment of 11 June 2009), *Sejdic and Finci v. Bosnia and Herzegovina* (ECHR, Judgment of 22 December 2009), *Herritarren Zerrenda v. Spain* (ECtHR, Judgment of 30 June 2009 and *Etxeberria and Others v. Spain* (ECtHR, Judgment of 30 June 2009). The two cases against Spain deal with the disqualification of candidates of a political party that had been declared illegal; the Court did not find a violation of art. 3 of the First Protocol of the ECHR.

6. Concerning the element of universal suffrage under the CCPR, see *Fongum Gorji-Dinka v. Cameroon* (Comm. 1134/2002, U.N. Doc. CCPR/C/83/D/1134/2002) and *Marie-Hélène Gillot et al. v. France* (Comm. 932/2000, U.N. Doc. CCPR/C/75/D/932/2000) and *M.S.B. Dissanayake v. Sri Lanka* (Comm. No. 1373/2005, U.N. Doc. CCPR/C/93/D/1373/2005 of 4 August 2008). See also from the ambit of the Inter-American Convention on Human Rights the case of *Andres Aylwin Azocar et al. v. Chile* (Report No. 137/99 of December 27, 1999, by the Inter-American Commission on Human Rights) and *Statehood Solidarity Committee v. United States* (Report No. 98/03 of December 29, 2003, by the Inter-American Commission on Human Rights). For universal suffrage under the ECHR, see *Polacco and Garofalo v. Italy* (ECommHR No. 23450/94, Commission decision of 15 September 1997, DR 90-A), *Labita v. Italy* (Application No. 26772/95, ECtHR, Judgment of 6 April 2001), *Matthews v. the United Kingdom* (Judgment of 18 February 1999, Reports of Judgments and Decisions 1999-I), *Vito Sante Santoro v. Italy* (ECtHR, Judgment of 1 July 2004), *Aziz v. Cyprus* (ECtHR, Judgment of 22 June 2004), *Py v. France* (ECtHR, Judgment of 11 January 2005), *Hirst v. the United Kingdom* (ECtHR, Judgment of 6 October 2005), *Albanese v. Italy*, (ECtHR, Judgment of 23 March 2006), *Vitiello v. Italy* (ECtHR, Judgment of 23 March 2006) and *Campagnano v. Italy* (ECtHR, Judgment of 23 March 2006).

7. Concerning the element of the right to vote under the CCPR, the Inter-American Human Rights System and the ECHR, see the cases mentioned in relation to universal suffrage, above. See also from the ambit of the African Charter of Human Rights and Peoples' Rights the case of *Peoples' Democratic Organisation for Independence and Socialism v. The Gambia* (Comm. No. 44/90(1996), Report on an Amicable Resolution, of the African Commission on Human and Peoples' Rights).

8. Concerning the element of equal suffrage under the CCPR, see *Istvan Mátyus v. Slovakia* (Comm. 923/2000, U.N. Doc. CCPR/C/75/D/923/2000), which, however, was not resolved on the basis of art. 25(b), but on the basis of art. 25(c). From the area of the ECHR, see also the case of *Paschalidis, Koutmeridis and Zaharakis v. Greece* (ECtHR, Judgment of 10 April 2008).

9. Concerning the element of the secrecy of the vote under the ECHR in a situation where, e.g., isolated polling booths were not available for all voters, see the case of *Babenko v. Ukraine* (ECtHR, Judgment of 4 May 1999), which was considered inadmissible as a case and was not tried by the Court.

10. Concerning the element of free expression of the will of the electors under the CCPR, see *Leonid Sinitin v. Belarus* (Comm. 1047/2002, U.N. Doc. CCPR/C/88/D/1047/2002). See also from the ambit of the Inter-American Convention on Human Rights the case of *Susana Higuchi Miyagawa v. Peru* (Report No. 119/99 of October

6, 1999, by the Inter-American Commission of Human Rights and from the ambit of the African Charter of Human Rights and Peoples' Rights the case of Constitutional Rights Project and Civil Liberties Organisation v. Nigeria (Afr.Comm.HPR, Comm. No. 102/93 (1998)). For the same area under the ECHR, see *Mathieu-Mohin and Clerfayt v. Belgium* (ECtHR, Judgment of 2 March 1987, Series A, vol. 113) which is a leading case summarising the interpretation of electoral rules under Art. 3 of the First Protocol to the ECHR. See also *Selim Sadak and others v. Turkey* (ECtHR, Judgment of 11 June 2002, para. 4), *Lykourazos v. Greece* (ECtHR, Judgment of 15 June 2006), *Yumak and Sadak v. Turkey* (ECtHR, Judgment of 30 January 2007), *Ilicak v. Turkey* (ECtHR, Judgment of 5 April 2007), *Kavakci v. Turkey* (ECtHR, Judgment of 5 April 2007), *Kovach v. Ukraine* (ECtHR, Judgment of 7 February 2008) and *Georgian Labour Party v. Georgia* (ECtHR, Judgment of 8 July 2008) as well as *Grosaru v. Romania* (ECtHR, Judgment of 2 March 2010), which deals with the allocation of the one mandate of a minority population in the national parliament.

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

12. Afr.Comm. HPR, Comm. No. 102/93 (1998), paras. 47-48. Reports from election observation missions are from time to time used as evidence and even as supporting arguments in human rights cases. See, e.g., *Viktor Korneenko v. Belarus* (Comm. No. 1553/2007, CCPR/C/95/D/1553/2007 of 24 April 2009), *Georgian Labour Party v. Georgia* (ECtHR, Judgment of 8 July 2008), paras. 49-53, 85-87, 98, 109, *Krasnov and Skuratov v. Russia* (ECtHR, Judgment of 19 July 2007), para. 36, *Petkov and others v. Bulgaria* (ECtHR, Judgment of 11 June 2009), para. 53, *Sejdic and Finci v. Bosnia and Herzegovina* (ECHR, Judgment of 22 December 2009), para. 24, and *Muradova v. Azerbaijan* (ECHR, Judgment of 2 April 2009), para. 72.

Table of contents

3. Explanations on Categories of Election Standards	36
3.1 Levels of Standards	36
3.2 Types of Standards.....	36

3. Explanations on Categories of Election Standards

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

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 Organization 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 (symbol in the matrixes below: ●), which can be preceded by signing of the instrument (symbol in the matrixes: S). When a state has signed or expressed its

consent to be bound by the treaty, pending the treaty's entry into force, the state is obliged to refrain from acts that would defeat the object and purpose of a treaty. Unless otherwise indicated, the instruments included in this compendium are in force internationally in relation to the states that have ratified them. 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). The information about ratification and signature status and also information about membership in international organisations contained in the matrixes has been retrieved from the United Nations Treaty Series database, and from the homepages of the respective international organisations during *February 2010*.

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 organisations 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. Some of its provisions are binding at the level of customary international law. However, this does not yet seem to be the case concerning Article 21 on participation and elections. 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 Inter-American Democratic Charter (2001) and the OAU/AU Declaration on the Principles Governing Democratic Elections (AHG/Dec.1 (XXXVI-

II) (2002). The OAU/AU Declaration is, however, of a particular nature, because, as stated above in chapter 2, its normative status has been elevated by reference in the 2007 African Charter on Democracy, Elections and Governance.

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 Guide 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. In addition to general comments or recommendations, the treaty bodies issue concluding opinions after dealing with the periodic state reports from the participating states. They may also issue decisions in individual cases submitted to the treaty bodies through complaints procedures, provided that the treaty contains such a mechanism and the state in question has accepted the mechanism of individual complaints. The documentation concerning concluding opinions and individual decisions can be accessed through the websites of the different treaty bodies.

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 guide are the OSCE Copenhagen Meeting Declaration (1990) and the OSCE Istanbul Summit Declaration (1999).

Other initiatives referred to in this 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.

4. Text of Key International Standards Instruments

Universal Instruments.....	41
Regional Instruments	81
Political Commitments	203
Other Initiatives	213

Table of contents

Universal Instruments.....	43
4.1. Treaty standards – UN	44
4.1.1 <i>The International Covenant on Civil and Political Rights (ICCPR) (1966)</i>	44
4.1.2 <i>General Comment 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25) (1996)</i>	46
4.1.3 <i>International Convention on the Elimination of Racial Discrimination (ICERD) (1966)</i>	50
4.1.4 <i>General Recommendation No.23: Indigenous Peoples (1997)</i>	50
4.1.5 <i>Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979)</i>	51
4.1.6 <i>General Recommendation 23 on Political and Public Life (1997)</i>	51
4.1.7 <i>Convention on the Political Rights of Women (CPRW) (1952)</i>	54
4.1.8 <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (1990)</i>	54
4.1.9 <i>Convention on the Rights of Persons with Disabilities (CRPD) (2006)</i>	55
4.1.10 <i>Convention concerning Indigenous and Tribal Peoples in Independent Countries, ILO C169 (1989)</i>	56
4.1.11 <i>Convention against Corruption (UNCAC) (2003)</i>	57

4.2. Matrix on the Status of Ratification of Instruments within the UN System	59
4.3 Non-Treaty Standards – UN	74
4.3.1 <i>Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly Resolution A/RES/36/55 [1981])</i>	74
4.3.2 <i>Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly Resolution A/RES/47/135 [1992])</i>	74
4.3.3 <i>Declaration on the Elimination of Discrimination against Women (General Assembly Resolution A/RES/22/2263 [1967])</i>	74
4.3.4 <i>Declaration on the Rights of Disabled Persons (General Assembly Resolution A/RES/30/3447 [1975])</i>	75
4.3.5 <i>Declaration on the Elimination of Racial Discrimination (General Assembly Resolution A/RES/18/1904 [1963])</i>	75
4.3.6 <i>Vienna Declaration of Programme and Action (General Assembly A/CONF.157/23 [1993])</i>	75
4.3.7 <i>Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections (General Assembly Resolution A/RES/46/137 [1991])</i>	76
4.3.8 <i>Promoting and Consolidating Democracy (General Assembly Resolution A/RES/55/96 [2001])</i>	76
4.3.9 <i>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 (General Assembly Resolution A/RES/56/154 [2002])</i>	77
4.3.10 <i>Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Annex to General Assembly Resolution A/RES/53/144 [1999])</i>	78
4.3.11 <i>Basic Principles for the Treatment of Prisoners (Annex to General Assembly Resolution A/RES/45/111 [1990])</i>	79
4.3.12 <i>United Nations Millennium Declaration (General Assembly Resolution A/RES/55/2 [2000])</i>	79

Universal Instruments

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.

The United Nations (UN)¹

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.

4.1. Treaty standards²

4.1.1. The International Covenant on Civil and Political Rights (ICCPR) (1966)³

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

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 protection 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.

4.1.2. General Comment 25: *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25) (1996).*⁴

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.

4.1.3 *International Convention on the Elimination of Racial Discrimination (ICERD) (1966)*⁵

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;

[...]

4.1.4 *General Recommendation No.23: Indigenous Peoples (1997)*⁶

The Committee calls in particular upon States parties to:

[...]

- (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;

[...]

4.1.5 *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979)*⁷

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.

4.1.6 *General Recommendation 23 on Political and Public Life (1997)*⁸

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.

4.1.7 Convention on the Political Rights of Women (CPRW) (1952)⁹

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.

4.1.8 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (1990)¹⁰

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.

4.1.9 Convention on the Rights of Persons with Disabilities (CRPD) (2006)¹¹

Article 21 Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) Recognizing and promoting the use of sign languages.

Article 29 Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

- (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, *inter alia*, by:
 - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions

- at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
- (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

4.1.10 Convention concerning Indigenous and Tribal Peoples in Independent Countries, ILO C169 (1989)¹²

Article 1

1. This Convention applies to:
 - (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
 - (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.
2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.
3. The use of the term *peoples* in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

Article 2

1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.
2. Such action shall include measures for:
 - (a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;

Article 3

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.
[...]

Article 6

1. In applying the provisions of this Convention, governments shall:
[...]
- (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
[...]

4.1.11 Convention against Corruption (UNCAC) (2003)¹³*Article 7. Public sector*

- [...]
2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.
3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

-
1. For general information about the United Nations , see <http://www.un.org/>
 2. See Annex 1, for reference to Treaties and Monitoring Bodies of the Treaties.
 3. Entry into force 23 March 1976.
 4. 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.
 5. Entry into force 4 January 1969.
 6. Issued by the Committee established to monitor States' compliance with the Commitments of CERD.
 7. Entry into force 3 September 1981.
 8. Issued by the Committee Established to Monitor States' Compliance with the Commitments of CEDAW.
 9. Entry into force 7 July 1954.
 10. Entry into force 1 July 2003.
 11. Entry into force 3 May 2008.
 12. Entry into force 5 September 1991.
 13. Entry into force 14 December 2005.

4.2. Matrix on the Status of Ratification of Instruments within the UN System¹

	ICCPR	ICERD ²	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Afghanistan	•	•	•	•				•
Albania	•	•	•	•	•			•
Algeria	•	•	•	•	•	S ³		•
Andorra	•	•	•			S ⁴		
Angola	•		•	•				•
Antigua and Barbuda		•	•	•		S ⁵		•
Argentina	•	•	•	•	•	•	•	•
Armenia	•	•	•	•		S ⁶		•
Australia	•	•	•	•		•		•
Austria	•	•	•	•		•		•
Azerbaijan	•	•	•		•	•		•
Bahamas	•	•	•	•				•
Bahrain	•	•	•			S ⁷		S ⁸
Bangladesh	•	•	•	• ⁹	S ¹⁰	•		•

1. For up-dated information concerning ratification and signature status of the instruments mentioned in this matrix, please contact the UN Treaty Collection database at <http://untreaty.un.org/>, see also annex 1.

2. On the web-page for the Committee on the Elimination of Racial Discrimination it is noted that 16 countries have neither signed nor ratified the Convention. Niue is listed among those countries, but the country is not formally a member of the UN.

3. Signed 30 March 2007.

4. Signed 27 April 2007.

5. Signed 30 March 2007.

6. Signed 30 March 2007.

7. Signed 25 June 2007.

8. Signed 8 February 2005.

9. 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."

10. Signed 7 October 1998.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Barbados	•	•	•	•		S ¹¹		S ¹²
Belarus	•	•	•	•				•
Belgium	•	•	•	•		•		•
Belize	•	•	•		•			
Benin	•	•	•		S ¹³	S ¹⁴		•
Bhutan		S ¹⁵	•					S ¹⁶
Bolivia	•	•	•	•	•	•	•	•
Bosnia and Herzegovina	•	•	•	•	•	S ¹⁷		•
Botswana	•	•	•					
Brazil	•	•	•	•		•	•	•
Brunei Darussalam			•			S ¹⁸		•
Bulgaria	•	•	•	•		S ¹⁹		•
Burkina Faso	•	•	•	•	•	•		•
Burundi	•	•	•	•		S ²⁰		•
Cambodia	•	•	•	S ²¹	S ²²	S ²³		•
Cameroon	•	•	•		S ²⁴	S ²⁵		•
Canada	•	•	•	•		S ²⁶		•

11. Signed 19 July 2007.
12. Signed 10 December 2003.
13. Signed 15 September 2005.
14. Signed 8 February 2008.
15. Signed 26 March 1973.
16. Signed 15 September 2005.
17. Signed 29 July 2009.
18. Signed 18 December 2007.
19. Signed 27 September 2007.
20. Signed 26 April 2007.
21. Signed 11 Nov 2001.
22. Signed 27 September 2004.
23. Signed 1 October 2007.
24. Signed 15 December 2009.
25. Signed 1 October 2008.
26. Signed 30 March 2007.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Cape Verde	•	•	•		•	S ²⁷		•
Central African Republic	•	•	•	•		S ²⁸		•
Chad	•	•	•					
Chile	•	•	•	•	•	•	•	•
China	S ²⁹	•	•			•		•
Colombia	•	•	•	•	•	S ³⁰	•	•
Comoros	S ³¹	•	•		S ³²	S ³³		S ³⁴
Congo	•	•	•	•	S ³⁵	S ³⁶		•
Cook Islands			•			•		
Costa Rica	•	•	•	•		•	•	•
Côte d'Ivoire	•	•	•	•		S ³⁷		S ³⁸
Croatia	•	•	•	•		•		•
Cuba	S ³⁹	•	•	•		•		•
Cyprus	•	•	•	•		S ⁴⁰		•
Czech Republic	•	•	•	•		•		S ⁴¹
Democratic People's Republic of Korea	• ⁴²		•					

27. Signed 30 March 2007.

28. Signed 9 May 2007.

29. Signed 5 October 1998.

30. Signed 30 March 2007.

31. Signed 25 September 2008.

32. Signed 22 September 2000.

33. Signed 26 September 2007

34. Signed 10 December 2003

35. Signed 29 September 2008

36. Signed 30 March 2007.

37. Signed 7 June 2007.

38. Signed 10 December 2003.

39. Signed 28 February 2008.

40. Signed 30 March 2007.

41. Signed 22 April 2005.

42. The government ratified CCPR 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.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Democratic Republic of the Congo	•	•	•	•				
Denmark	•	•	•	•		•	•	•
Djibouti	•	S ⁴³	•					•
Dominica	•		•			S ⁴⁴	•	
Dominican Republic	•	•	•	•		•		•
Ecuador	•	•	•	•	•	•	•	•
Egypt	•	•	•	•	•	•		•
El Salvador	•	•	•	•	•	•		•
Equatorial Guinea	•	•	•					
Eritrea	•	•	•					
Estonia	•	•	•			S ⁴⁵		
Ethiopia	•	•	•	•		S ⁴⁶		•
European Community						S ⁴⁷		•
Fiji		• ⁴⁸	•	•			•	•
Finland	•	•	•	•		S ⁴⁹		•
France	•	•	•	•		S ⁵⁰		•
Gabon	•	•	•	•	S ⁵¹	•		•
Gambia	•	•	•					
Georgia	•	•	•	•		S ⁵²		•

43. Signed 14 June 2006.

44. Signed 30 March 2007.

45. Signed 25 September 2007.

46. Signed 30 March 2007.

47. Signed 30 March 2007.

48. Ratified with the following reservation: "To the extent, if 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."

49. Signed 30 March 2007.

50. Signed 30 March 2007.

51. Signed 15 December 2004.

52. Signed 10 July 2009.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Germany	•	•	•	•		•		S ⁵³
Ghana	•	•	•	•	•	S ⁵⁴		•
Greece	•	•	•	•		S ⁵⁵		•
Grenada	•	S ⁵⁶	•					
Guatemala	•	•	•	•	•	•	•	•
Guinea	•	•	•	•	•	•		S ⁵⁷
Guinea-Bissau	S ⁵⁸	S ⁵⁹	•		S ⁶⁰			•
Guyana	•	•	•		S ⁶¹	S ⁶²		•
Haiti	•	•	•	•		•		•
Holy See		•						
Honduras	•	•	•		•	•	•	•
Hungary	•	•	•	•		•		•
Iceland	•	•	•	•		S ⁶³		
India	•	•	•	•		•		S ⁶⁴
Indonesia	•	•	•	•	S ⁶⁵	S ⁶⁶		•
Iran (Islamic Republic of)	•	•				•		•

53. Signed 9 December 2003.

54. Signed 30 March 2007.

55. Signed 30 March 2007.

56. Signed 17 December 1981.

57. Signed 15 July 2005.

58. Signed 12 September 2000.

59. Signed 12 September 2000.

60. Signed 12 September 2000.

61. Signed 15 September 2005.

62. Signed 11 April 2007.

63. Signed 30 March 2007.

64. Signed 9 December 2005.

65. Signed 22 September 2004.

66. Signed 30 March 2007.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Iraq	•	•	•					•
Ireland	•	• ⁶⁷	•	•		S ⁶⁸		S ⁶⁹
Israel	•	•	•	•		S ⁷⁰		•
Italy	•	•	•	•		•		•
Jamaica	•	•	•	•	•	•		•
Japan	•	• ⁷¹	•	•		S ⁷²		S ⁷³
Jordan	•	•	•	•		•		•
Kazakhstan	•	•	•	•		S ⁷⁴		•
Kenya	•	•	•			•		•
Kiribati			•					

67. Ratified with the following reservation: "Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that the measures specifically described in sub-paragraphs (a), (b) and (c) shall be undertaken with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of the Convention. Ireland therefore considers that through such measures, the right to freedom of opinion and expression and the right to peaceful assembly and association may not be jeopardised. These rights are laid down in Articles 19 and 20 of the Universal Declaration of Human Rights; they were reaffirmed by the General Assembly of the United Nations when it adopted Articles 19 and 21 of the International Covenant on Civil and Political Rights and are referred to in Article 5 (d)(viii) and (ix) of the present Convention."

68. Signed 30 March 2007.

69. Signed 9 December 2003.

70. Signed 30 March 2007.

71. Ratified with the following reservation: "In applying the provisions of paragraphs (a) and (b) of article 4 of the [said Convention] Japan fulfills the obligations under those provisions to the extent that fulfillment of the obligations is compatible with the guarantee of the rights to freedom of assembly, association and expression and other rights under the Constitution of Japan, noting the phrase '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' referred to in article 4."

72. Signed 28 September 2007.

73. Signed 9 December 2003.

74. Signed 11 December 2008.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Kuwait	• ⁷⁵	•	•					•
Kyrgyzstan	•	•	•	•	•			•
Lao People's Democratic Republic	•	•	•	•		•		•
Latvia	•	•	•	•		S ⁷⁶		•
Lebanon	•	•	•	•		S ⁷⁷		•
Lesotho	•	•	•	•	•	•		•
Liberia	•	•	•	S ⁷⁸	S ⁷⁹	S ⁸⁰		•
Libyan Arab Jamahiriya	•	•	•	•	•	S ⁸¹		•
Liechtenstein	•	•	•					S ⁸²
Lithuania	•	•	•			S ⁸³		•
Luxembourg	•	•	•	•		S ⁸⁴		•
Madagascar	•	•	•	•		S ⁸⁵		•
Malawi	•	•	•	•		•		•
Malaysia			• ⁸⁶			S ⁸⁷		•

75. 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."

76. Signed 18 July 2008.

77. Signed 14 June 2007.

78. Signed 9 Dec 1953.

79. Signed 22 September 2004.

80. Signed 30 March 2007.

81. Signed 1 May 2008.

82. Signed 10 December 2003.

83. Signed 30 March 2007.

84. Signed 30 March 2007.

85. Signed 25 September 2007.

86. 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) [...]."

87. Signed 8 April 2008.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Maldives	•	•	• ⁸⁸			S ⁸⁹		•
Mali	•	•	•	•	•	•		•
Malta	•	•	•	•		S ⁹⁰		•
Marshall Islands			•					
Mauritania	•	•	• ⁹¹	•	•			•
Mauritius	•	•	•	•		S ⁹²		•
Mexico	• ⁹³	•	•	•	•	•	•	•
Micronesia (Federated States of)			•					

88. 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.”

89. Signed 2 October 2007.

90. Signed 30 March 2007, with the following reservations: Pursuant to Article 29) a) (i) and (iii) of the Convention, while the Government of Malta is fully committed to ensure the effective and full participation of persons with disabilities in political and public life, including the exercise of their right to vote by secret ballot in elections and referenda, and to stand for elections, Malta makes the following reservations: With regard to (a) (i) At this stage, Malta reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned. With regard to (a) (iii) Malta reserves the right to continue to apply its current electoral legislation in so far as assistance in voting procedures is concerned.

91. 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.”

92. Signed 25 September 2007.

93. 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.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Monaco	•	• ⁹⁴	•			S ⁹⁵		
Mongolia	•	•	•	•		•		•
Montenegro	•	•	•	•	S ⁹⁶	S ⁹⁷		•
Morocco	•	•	•	•	•	•		•
Mozambique	•	•	•			S ⁹⁸		•
Myanmar			•	S ⁹⁹				S ¹⁰⁰
Namibia	•	•	•			•		•
Nauru	S ¹⁰¹	S ¹⁰²						
Nepal	•	•	•	•		S ¹⁰³	•	S ¹⁰⁴
Netherlands	•	•	•	•		S ¹⁰⁵	•	•
New Zealand	•	•	•	•		•		S ¹⁰⁶

94. Ratified with the following reservation: “Monaco interprets the reference in that article to the principles of the Universal Declaration of Human Rights, and to the rights enumerated in article 5 of the Convention as releasing States Parties from the obligation to promulgate repressive laws which are incompatible with freedom of opinion and expression and freedom of peaceful assembly and association, which are guaranteed by those instruments.”

95. Signed 23 September 2009.

96. Signed 23 October 2006.

97. Signed 27 September 2007.

98. Signed 30 March 2007.

99. Signed 14 September 1954.

100. Signed 2 December 2005.

101. Signed 12 November 2001.

102. Signed 12 November 2001.

103. Signed 3 January 2008.

104. Signed 10 December 2003.

105. Signed 30 March 2007.

106. Signed 10 December 2003.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Nicaragua	•	•	•	•	• ¹⁰⁷	•		•
Niger	•	•	•	•	•	•		•
Nigeria	•	•	•	•	•	S ¹⁰⁸		•
Norway	•	•	•	•		S ¹⁰⁹	•	•
Oman		•	• ¹¹⁰			•		•
Pakistan	S ¹¹¹	•	• ¹¹²	•		S ¹¹³		•
Palau								•
Panama	•	•	•			•		•
Papua New Guinea	•	• ¹¹⁴	•	•				•
Paraguay	•	•	•	•	•	•	•	•

107. Ratified with the following reservation: “The Republic of Nicaragua, in the exercise of its sovereignty, does not allow foreigners to enjoy political rights; this is embodied in articles 27 and 182 of the Constitution. Article 91 of the Convention establishes the possibility of formulating reservations at the time of signature, ratification or accession. Consequently, by virtue of the provisions of article 42, paragraph 3, of this Convention, the Republic of Nicaragua will not grant political rights to migratory workers owing to the express prohibition contained in article 27, paragraph 2, of its Constitution, which states: “Foreigners have the same rights and obligations as Nicaraguans, with the exception of political rights and others established by law; they may not intervene in the political affairs of the country.” The Republic of Nicaragua considers that this reservation is not incompatible with the object and purpose of the Convention.”

108. Signed 30 March 2007.

109. Signed 30 March 2007.

110. Ratified with the following reservation: “All provisions of the Convention not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman.”

111. Signed 17 April 2008.

112. Ratified with the following declaration: “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.”

113. Signed 25 September 2008.

114. Ratified with the following reservation: “The Government of Papua New Guinea interprets article 4 of the Convention as requiring a party to the Convention to adopt further legislative measures in the areas covered by sub-paragraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles contained in the Universal Declaration set out in Article 5 of the Convention that some legislative addition to, or variation of existing law and practice, is necessary to give effect to the provisions of article 4. [...]”

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Peru	•	•	•	•	•	•	•	•
Philippines	•	•	•	•	•	•		•
Poland	•	•	•	•		S ¹¹⁵		•
Portugal	•	•	•			•		•
Qatar		•	•			•		•
Republic of Korea	•	•	•			•		•
Republic of Moldova	•	•	•	•		S ¹¹⁶		•
Romania	•	•	•	•		S ¹¹⁷		•
Russian Federation	•	•	•	•		S ¹¹⁸		•
Rwanda	•	•	•	•	•	•		•
Saint Kitts and Nevis		•	•					
Saint Lucia		•	•					
Saint Vincent and the Grenadines	•	•	•	•				
Samoa	•		•					
San Marino	•	•	•			•		
Sao Tome and Principe	S ¹¹⁹	S ¹²⁰	•		S ¹²¹			•
Saudi Arabia		• ¹²²	• ¹²³			•		S ¹²⁴
Senegal	•	•	•	•	•	S ¹²⁵		•

115. Signed 30 March 2007.

116. Signed 30 March 2007.

117. Signed 26 September 2007.

118. Signed 24 September 2008.

119. Signed 31 October 1995.

120. Signed 6 September 2000.

121. Signed 6 September 2000.

122. Ratified with the following reservation: “[The Government of Saudi Arabia declares that it will] implement the provisions [of the above Convention], providing these do not conflict with the precepts of the Islamic Shariah.”

123. 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.”

124. Signed 9 January 2004.

125. Signed 25 April 2007.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Serbia	•	•	•	•	S ¹²⁶	•		•
Seychelles	•	•	•		•	•		•
Sierra Leone	•	•	•	•	S ¹²⁷	S ¹²⁸		•
Singapore			•					•
Slovakia	•	•	•	•		S ¹²⁹		•
Slovenia	•	•	•	•		•		•
Solomon Islands		•	•	•		S ¹³⁰		
Somalia	•	•						
South Africa	•	•	•	S ¹³¹		•		•
Spain	•	•	•	•		•	•	•
Sri Lanka	•	•	•		•	S ¹³²		•
Sudan	•	•				•		S ¹³³
Suriname	•	•	•			S ¹³⁴		
Swaziland	•	•	•	• ¹³⁵		S ¹³⁶		S ¹³⁷

126. Signed 11 November 2004.

127. Signed 15 September 2000.

128. Signed 30 March 2007.

129. Signed 26 September 2007.

130. Signed 23 September 2008.

131. Signed 29 Jan 1993.

132. Signed 30 March 2007.

133. Signed 14 January 2005.

134. Signed 30 March 2007.

135. 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."

136. Signed 25 September 2007.

137. Signed 15 September 2005.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Sweden	•	•	•	•		•		•
Switzerland	• ¹³⁸	• ¹³⁹	•					•
Syrian Arab Republic	•	•	•		•	•		S ¹⁴⁰
Tajikistan	•	•	•	•	•			•
Thailand	•	• ¹⁴¹	•	•		•		S ¹⁴²
The former Yugoslav Republic of Macedonia	•	•	•	•		S ¹⁴³		•
Timor-Leste	•	•	•		•			•
Togo	•	•	•		S ¹⁴⁴	S ¹⁴⁵		•
Tonga		•				S ¹⁴⁶		
Trinidad and Tobago	•	•	•	•		S ¹⁴⁷		•

138. 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.”

139. Ratified with the following reservation: “Switzerland reserves the right to take the legislative measures necessary for the implementation of article 4, taking due account of freedom of opinion and freedom of association, provided for inter alia in the Universal Declaration of Human Rights.”

140. Signed 9 December 2003.

141. Ratified with the following reservation: “1. The Kingdom of Thailand interprets Article 4 of the Convention as requiring a party to the Convention to adopt measures in the fields covered by subparagraphs (a), (b) and (c) of that article only where it is considered that the need arises to enact such legislation.”

142. Signed 9 December 2003.

143. Signed 30 March 2007.

144. Signed 15 November 2001.

145. Signed 23 September 2008.

146. Signed 15 November 2007.

147. Signed 27 September 2007.

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
Tunisia	•	•	• ¹⁴⁸	•		•		•
Turkey	•	•	•	•	•	•		•
Turkmenistan	•	•	•	•		•		•
Tuvalu			•					
Uganda	•	•	•	•	•	•		•
Ukraine	•	•	•	•		•		•
United Arab Emirates		•	•			S ¹⁴⁹		•
United Kingdom of Great Britain and Northern Ireland	•	• ¹⁵⁰	•	• ¹⁵¹		•		•
United Republic of Tanzania	•	•	•	•		•		•

148. Ratified with the following general declaration: “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.”

149. Signed 8 February 2008.

150. Ratified with the following reservation: “[...] the United Kingdom wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. [...]”

151. 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[...].”

	ICCPR	ICERD	CEDAW	CPRW	ICRMW	CRPD	C169	UNCAC
United States of America	•	• ¹⁵²	S ¹⁵³	•		S ¹⁵⁴		•
Uruguay	•	•	•	S ¹⁵⁵	•	•		•
Uzbekistan	•	•	•	•		S ¹⁵⁶		•
Vanuatu	•		•			•		
Venezuela	•	•	•	•			•	•
Viet Nam	•	•	•			S ¹⁵⁷		•
Yemen	•	•	•	•		•		•
Zambia	•	•	•	•		•		•
Zimbabwe	•	•	•	•				•

152. Ratified with the following reservation: “[...] (1) That the Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States. [...]”

153. Signed 17 July 1980.

154. Signed 30 July 2009.

155. Signed 26 May 1953.

156. Signed 27 February 2009.

157. Signed 22 October 2007.

4.3 Non-Treaty Standards

4.3.1 Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly Resolution A/RES/36/55 [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.

4.3.2 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly Resolution A/RES/47/135 [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.

[...]

4.3.3 Declaration on the Elimination of Discrimination against Women (General Assembly Resolution A/RES/22/2263 [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.

4.3.4 *Declaration on the Rights of Disabled Persons (General Assembly Resolution A/RES/30/3447 [1975])*

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

4.3.5 *Declaration on the Elimination of Racial Discrimination (General Assembly Resolution A/RES/18/1904 [1963])*

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.

4.3.6 *Vienna Declaration of Programme and Action (General Assembly A/CONF.157/23 [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.

4.3.7 Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections (General Assembly Resolution A/RES/46/137 [1991])

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;

4.3.8 Promoting and Consolidating Democracy (General Assembly Resolution A/RES/55/96 [2001])

The General Assembly, [...]

1. Calls upon States to promote and consolidate democracy, inter alia, by:
 - (a) Promoting pluralism, the protection of all human rights and fundamental freedoms, maximizing the participation of individuals in decision-making and the development of effective public institutions, including an independent judiciary, accountable legislature and public service and an electoral system that ensures periodic, free and fair elections;
 - [...]
 - (d) Developing, nurturing and maintaining an electoral system that provides for the free and fair expression of the people's will through genuine and periodic elections, in particular by:

- (i) Guaranteeing that everyone can exercise his or her right to take part in the government of his or her country, directly or through freely chosen representatives;
 - (ii) Guaranteeing the right to vote freely and to be elected in a free and fair process at regular intervals, by universal and equal suffrage, conducted by secret ballot and with full respect for the right to freedom of association;
 - (iii) Taking measures, as appropriate, to address the representation of under-represented segments of society;
 - (iv) Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties that can participate in elections, as well as the transparency and fairness of the electoral process, including through appropriate access under the law to funds and free, independent and pluralistic media;
- [...]

4.3.9 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 (General Assembly Resolution A/RES/56/154 [2002])

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, consequently, that there is no single model of democracy or of democratic institutions and that States should ensure all the necessary mechanisms and means to facilitate full and effective popular participation in those processes;
5. *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;
7. *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;

4.3.10 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Annex to General Assembly Resolution A/RES/53/144 [1999])

The General Assembly [...] [d]eclares:

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.
2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

[...]

4.3.11 Basic Principles for the Treatment of Prisoners (Annex to General Assembly Resolution A/RES/45/111 [1990])

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

4.3.12 United Nations Millennium Declaration (General Assembly Resolution A/RES/55/2 [2000])

25. We [, heads of State and Government,] resolve therefore [...]
 - To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.
 - To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

Table of contents

Regional Instruments	85
4.4 Treaty standards – AU.....	86
4.4.1 <i>African Charter on Human and Peoples’ Rights (ACHPR) (1981)</i>	86
4.4.2 <i>Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (ACHPR – PW) (2003)</i>	86
4.4.3 <i>African Charter on Democracy, Elections and Governance (2007)</i>	87
4.4.4 <i>African Union Convention on Preventing and Combating Corruption (2003)</i>	91
4.5 Matrix on the Status of Ratification of Instruments within the African Union.....	92
4.6 Non-Treaty Standards – AU	96
4.6.1 <i>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)</i>	96
4.6.2 <i>OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (2002)</i>	97

4.7	Treaty Standards – ECOWAS.....	102
4.7.1	<i>Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (2001)</i>	102
4.8	Matrix on the Status of Ratification of Instruments within the Economic Community of West African States	105
4.9	Non-Treaty Standards – ECOWAS	106
4.9.1	<i>Declaration of Political Principles of the Economic Community of West African States (1991)</i>	106
4.10	Treaty Standards – SADC	107
4.10.1	<i>SADC Protocol on Gender and Development</i>	107
4.10.2	<i>SADC Protocol against Corruption</i>	107
4.11	Matrix on the Status of Ratification of Instruments within the Southern African Development Community (SADC)	110
4.12	Non-Treaty Standards – SADC.....	111
4.12.1	<i>SADC Principles and Guidelines Governing Democratic Elections (2004)</i>	111
4.13	Treaty Standards – OAS	114
4.13.1	<i>American Convention on Human Rights (AmCHR) (1969)</i>	114
4.13.2	<i>Inter-American Convention on the Granting of Political Rights to Women (AmCPRW) (1948)</i>	116
4.13.3	<i>Inter-American Convention against Corruption (1996)</i>	116
4.14	Matrix on the Status of Ratification of Instruments within the Organization of American States.....	119
4.15	Non-Treaty Standards – OAS.....	121
4.15.1	<i>American Declaration of the Rights and Duties of Man (1948)</i>	121
4.15.2	<i>Inter-American Democratic Charter (2001)</i>	122
4.16	Treaty Standards – CoE.....	124
4.16.1	<i>Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950)</i>	124
4.16.2	<i>First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR – P1) (1952)</i>	125

4.16.3	<i>Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (2000)</i>	125
4.16.4	<i>Framework Convention for the Protection of National Minorities (FCPNM) (1995)</i>	125
4.16.5	<i>European Charter of Local Self-Government (ECLSG) (1985)</i>	126
4.16.6	<i>Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (2009)</i>	126
4.16.7	<i>Convention on the Participation of Foreigners in Public Life at Local Level (CPFPL) (1992)</i>	128
4.16.8	<i>Council of Europe Convention on Access to Official Documents (2009)</i>	129
4.16.9	<i>Criminal Law Convention on Corruption (1999)</i>	131
4.17	Matrix on the Status of Ratification of Instruments within the Council of Europe	132
4.18	Non-Treaty Standards – CoE	136
4.18.1	<i>Recommendation on the Electoral, Civil and Social Rights of Prisoners (1962)</i>	136
4.18.2	<i>Recommendation on Measures concerning Media Coverage of Election Campaigns (2007)</i>	136
4.18.3	<i>Recommendation on Legal, Operational and Technical Standards for E-voting (2004)</i>	140
4.18.4	<i>Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (2003)</i>	152
4.19	Treaty Standards – EU	156
4.19.1	<i>Charter of Fundamental Rights of the European Union (2000/2010)</i>	156
4.19.2	<i>Act concerning the election of the Members of the European Parliament by direct universal suffrage (2002)</i>	157
4.19.3	<i>Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals</i>	161

4.19.4 Council Directive on the right to vote and to stand as a candidate in municipal elections (1994)	168
4.19.5 Regulation governing political parties at European level and the rules regarding their funding (2003)	174
4.20 Non-Treaty Standards – EU	177
4.20.1 Commission Communication on EU Election Assistance and Observation (2000)	177
4.20.2 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)	177
4.20.3 Cotonou Agreement (Between EU and ACP Partner Countries) (2000)	177
4.21 Treaty Standards – LAS	180
4.21.1 Arab Charter on Human Rights (2004)	180
4.22 Matrix on the Status of Ratification of Instruments within the League of Arab States (LAS)	182
4.23 Treaty Standards – CIS	183
4.23.1 Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms (1995)	183
4.23.2 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States (2002)	184
4.23.3 Convention on Ensuring the Rights of Persons Belonging to National Minorities (1994)	200
4.23.4 Agreement on the Cooperation in Solving Problems of Disability and Persons with Disabilities (1996)	201
4.24 Matrix on the Status of Ratification of Instruments within the Commonwealth of Independent States.....	202

Regional Instruments

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. They are applicable only in the participating States of the respective organizations.

The African Union (AU)

The African Union was launched on 9 July, 2002, to replace the Organisation of African Unity (OAU). 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 AU covers the entire continent except for Morocco, which withdrew from the OAU with effect from November 1985 after the OAU had granted the Territory of Western Sahara full membership in the organisation. Morocco has not applied to re-join the AU. It has, however, a special status within the AU and benefits from the services available to all AU member states from the institutions of the AU, such as the African Development Bank.

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 Peoples' Rights came into force on 25 January 2004. In January 2006, the first eleven judges of the Court were elected, and in July 2006 the Court held its first meeting. The Court is located in Arusha, Tanzania.

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 globalisation process.

4.4 Treaty standards

4.4.1 *African Charter on Human and Peoples' Rights (ACHPR) (1981)*¹

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.

4.4.2 *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR – PW) (2003)*²

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.

4.4.3 African Charter on Democracy, Elections and Governance (2007)³

Chapter 2: Objectives

Article 2

The objectives of this Charter are to:

1. Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights;
2. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties;
3. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments;
4. Prohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development;
5. Promote and protect the independence of the judiciary;
6. Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance;
7. Encourage effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration;
8. Promote State Parties' sustainable development and human security;
9. Promote the fight against corruption in conformity with the provisions of the AU Convention on Preventing and Combating Corruption adopted in Maputo, Mozambique in July 2003;
10. Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs;

11. Promote gender balance and equality in the governance and development processes;
12. Enhance cooperation between the Union, Regional Economic Communities and the International Community on democracy, elections and governance; and
13. Promote best practices in the management of elections for purposes of political stability and good governance.

Chapter 3: Principles

Article 3

State Parties shall implement this Charter in accordance with the following principles:

1. Respect for human rights and democratic principles;
2. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law;
3. Promotion of a system of government that is representative;
4. Holding of regular, transparent, free and fair elections;
5. Separation of powers;
6. Promotion of gender equality in public and private institutions;
7. Effective participation of citizens in democratic and development processes and in governance of public affairs;
8. Transparency and fairness in the management of public affairs;
9. Condemnation and rejection of acts of corruption, related offenses and impunity;
10. Condemnation and total rejection of unconstitutional changes of government;
11. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.

Chapter 4: Democracy, Rule of Law and Human Rights

Article 4

1. State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights.
2. State Parties shall recognize popular participation through universal suffrage as the inalienable right of the people.

Article 5

State Parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power.

Article 8

1. State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance.
2. State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.
3. State Parties shall respect ethnic, cultural and religious diversity, which contributes to strengthening democracy and citizen participation.

Chapter 6: Democratic Institutions

Article 14

1. State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order.
2. State Parties shall take legislative and regulatory measures to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.
3. State Parties shall cooperate with each other to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.

Chapter 7: Democratic Elections

Article 17

State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa:

To this end, State Parties shall:

1. Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections.
2. Establish and strengthen national mechanisms that redress election-related disputes in a timely manner.
3. Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.

4. Ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections. The code shall include a commitment by political stakeholders to accept the results of the election or challenge them in through exclusively legal channels.

Chapter 8: Sanctions in Cases of Unconstitutional Changes of Government

Article 23

State Parties agree that the use of, inter alia, the following illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union:

1. Any putsch or *coup d'Etat* against a democratically elected government.
2. Any intervention by mercenaries to replace a democratically elected government.
3. Any replacement of a democratically elected government by armed dissidents or rebels.
4. Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or
5. Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

Chapter 9: Political, Economic and Social Governance

Article 29

1. State Parties shall recognize the crucial role of women in development and strengthening of democracy.
2. State Parties shall create the necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture.
3. State Parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

Article 32

State Parties shall strive to institutionalize good political governance through:

1. Accountable, efficient and effective public administration;
2. Strengthening the functioning and effectiveness of parliaments;
3. An independent judiciary;
4. Relevant reforms of public institutions including the security sector;
5. Harmonious relationships in society including civil-military relations;

6. Consolidating sustainable multiparty political systems;
7. Organising regular, free and fair elections; and
8. Entrenching and respecting the principle of the rule of law.

Article 34

State Parties shall decentralize power to democratically elected local authorities as provided in national laws.

4.4.4 *African Union Convention on Preventing and Combating Corruption (2003)*⁴

The objectives of this Convention are to:

Article 2 Objectives

The objectives of this Convention are to:

[...]

5. Establish the necessary conditions to foster transparency and accountability in the management of public affairs.

Article 10 Funding of Political Parties

Each State Party shall adopt legislative and other measures to:

- (a) Proscribe the use of funds acquired through illegal and corrupt practices to finance political parties; and
- (b) Incorporate the principle of transparency into funding of political parties.

1. Entry into force 21 October 1986.
2. Entry into force 25 November 2005.
3. Not yet in force.
4. Entry into force 5 August 2006.

4.5 Matrix on the Status of Ratification of Instruments within the African Union¹

	ACHPR	ACHPR – PW	African Charter on Democracy, Elections and Governance	AU Convention on Preventing and Combating Corruption
Algeria	•	S ²		•
Angola	•	•		S ³
Benin	•	•	S ⁴	•
Botswana	•			
Burkina Faso	•	•	S ⁵	•
Burundi	•	S ⁶	S ⁷	•
Cameroon	•	S ⁸		S ⁹
Cape Verde	•	•		
Central African Republic	•	S ¹⁰	S ¹¹	
Chad	•	S ¹²	S ¹³	S ¹⁴

1. For up-dated information concerning ratification and signature status of the instruments mentioned in this matrix, please contact the database of the African Union at <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>, see also annex 1.

2. Signed 29 December 2003.

3. Signed 22 January 2007.

4. Signed 16 July 2007.

5. Signed 2 August 2007.

6. Signed 3 December 2003.

7. Signed 20 June 2007.

8. Signed 25 July 2006.

9. Signed 30 June 2008.

10. Signed 17 June 2008.

11. Signed 28 June 2008.

12. Signed 6 December 2004.

13. Signed 22 January 2009.

14. Signed 6 December 2004.

	ACHPR	ACHPR – PW	African Charter on Democracy, Elections and Governance	AU Convention on Preventing and Combating Corruption
Comoros	•	•		•
Congo	•	S ¹⁵	S ¹⁶	•
Côte d'Ivoire	•	S ¹⁷	S ¹⁸	S ¹⁹
Democratic Republic of the Congo	•	•	S ²⁰	S ²¹
Djibouti	•	•	S ²²	S ²³
Egypt	•			
Equatorial Guinea	•	S ²⁴		S ²⁵
Eritrea	•			
Ethiopia	•	S ²⁶	•	•
Gabon	•	S ²⁷		•
Gambia	•	•	S ²⁸	•
Ghana	•	•	S ²⁹	•
Guinea	•	S ³⁰	S ³¹	S ³²

-
15. Signed 27 February 2004.
 16. Signed 18 June 2007.
 17. Signed 27 February 2004.
 18. Signed 11 June 2009.
 19. Signed 27 February 2004.
 20. Signed 29 June 2008.
 21. Signed 5 December 2003.
 22. Signed 15 June 2007.
 23. Signed 15 November 2005.
 24. Signed 30 January 2005.
 25. Signed 30 January 2005.
 26. Signed 1 June 2004.
 27. Signed 27 January 2005.
 28. Signed 29 January 2008.
 29. Signed 15 January 2008.
 30. Signed 16 December 2003.
 31. Signed 9 May 2007.
 32. Signed 16 December 2003.

	ACHPR	ACHPR – PW	African Charter on Democracy, Elections and Governance	AU Convention on Preventing and Combating Corruption
Guinea-Bissau	•	•	S ³³	S ³⁴
Kenya	•	S ³⁵	S ³⁶	•
Lesotho	•	•		•
Liberia	•	•	S ³⁷	•
Libyan Arab Jamahiriya	•	•		•
Madagascar	•	S ³⁸		•
Malawi	•	•		•
Mali	•	•	S ³⁹	•
Mauritania	•	•	•	S ⁴⁰
Mauritius	•	S ⁴¹	S ⁴²	S ⁴³
Morocco ⁴⁴				
Mozambique	•	•		•
Namibia	•	•	S ⁴⁵	•
Niger	•	S ⁴⁶	S ⁴⁷	•
Nigeria	•	•	S ⁴⁸	•

33. Signed 17 June 2008.

34. Signed 21 January 2006.

35. Signed 17 December 2003.

36. Signed 28 June 2008.

37. Signed 18 June 2008.

38. Signed 28 February 2004.

39. Signed 29 June 2007.

40. Signed 30 December 2005.

41. Signed 29 January 2005.

42. Signed 14 December 2007.

43. Signed 6 July 2004.

44. Not a member of African Union.

45. Signed 10 May 2007.

46. Signed 6 July 2004.

47. Signed 17 June 2008.

48. Signed 2 July 2007.

	ACHPR	ACHPR – PW	African Charter on Democracy, Elections and Governance	AU Convention on Preventing and Combating Corruption
Rwanda	•	•	S ⁴⁹	•
Sao Tome and Principe	•			S ⁵⁰
Senegal	•	•	S ⁵¹	•
Seychelles	•	•		•
Sierra Leone	•	S ⁵²	•	•
Somalia	•	S ⁵³		S ⁵⁴
South Africa	•	•		•
Sudan	•	S ⁵⁵	S ⁵⁶	S ⁵⁷
Swaziland	•	S ⁵⁸	S ⁵⁹	S ⁶⁰
The Territory of Western Sahara	•	S ⁶¹		
Togo	•	•	S ⁶²	•
Tunisia	•			
Uganda	•	S ⁶³	S ⁶⁴	•
United Republic of Tanzania	•	•		•
Zambia	•	•		•
Zimbabwe	•	•		•

49. Signed 29 June 2007.

50. Signed 1 February 2010.

51. Signed 15 December 2008.

52. Signed 9 December 2003.

53. Signed 23 February 2006.

54. Signed 23 February 2006.

55. Signed 30 June 2008.

56. Signed 30 June 2008.

57. Signed 30 June 2008.

58. Signed 7 December 2004.

59. Signed 29 January 2008.

60. Signed 7 December 2004.

61. Signed 20 June 2006.

62. Signed 30 October 2007.

63. Signed 18 December 2003.

64. Signed 16 December 2008.

4.6 Non-Treaty Standards

4.6.1 *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.

[...]

4.6.2 *OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (2002)*

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 candi-

dates 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

1. We reaffirm the following rights and obligations under which democratic elections are conducted:
2. 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.
3. 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.
4. Every citizen shall have the right to free association and assembly in accordance with the law.
5. Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law.
6. 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.
7. 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.
8. Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.

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. Within its regional security framework, the ECOWAS Member States signed in 2001 a Protocol on Democracy and Good Governance, supplementary to the protocol that established in 1999 the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security. The supplementary protocol is considered as a tool which takes into account the deep-rooted political causes of conflict, instability and insecurity.

4.7 Treaty Standards

4.7.1 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.
- c) Zero tolerance for power obtained or maintained by unconstitutional means.
- 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.

[...]

4.8 Matrix on the Status of Ratification of Instruments within the Economic Community of West African States¹

	Protocol on Democracy and Good Governance
Benin	S ²
Burkina Faso	•
Cape Verde	
Côte d'Ivoire	S ³
Gambia	•
Ghana	•
Guinea	•
Guinea-Bissau	S ⁴
Liberia	S ⁵
Mali	•
Niger	•
Nigeria	S ⁶
Senegal	•
Sierra Leone	•
Togo	S ⁷

1. Up to date information concerning ratifications and signatures of the ECOWAS Protocol on Democracy and Good Governance is not easily found. The information contained in the matrix is from 2005. The number of ratifications required for the entry into force at the international level is nine.

2. Signed 21 December 2001.

3. Signed 21 December 2001.

4. Signed 21 December 2001.

5. Signed 21 December 2001.

6. Signed 21 December 2001.

7. Signed 21 December 2001.

4.9 Non-Treaty Standards

4.9.1 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 plentitude 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.

The Southern African Development Community (SADC)

The Southern African Development Community was established in 1980, as a loose alliance of nine majority-ruled States in Southern Africa known as the Southern African Development Coordination Conference (SADCC), with the main aim of coordinating development projects in order to lessen economic dependence on the then apartheid South Africa. The transformation of the organization from a Coordinating Conference into a Development Community (SADC) took place in 1992. The organisation furthers socio-economic cooperation and integration as well as political and security cooperation among 15 southern African countries.

4.10 Treaty Standards

4.10.1 SADC Protocol on Gender and Development¹

Article 13 Participation

1. States Parties shall adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in all electoral processes including the administration of elections and voting.
2. States Parties shall ensure the equal participation of women and men in decision making by putting in place policies, strategies and programmes for:
 - (a) building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
 - (b) providing support structures for women in decision-making positions;
 - (c) the establishment and strengthening of structures to enhance gender mainstreaming; and
 - (d) changing discriminatory attitudes and norms of decision making structures and procedures.
 [...]

4.10.2 SADC Protocol against Corruption²

Article 3 Acts of corruption

1. This Protocol is applicable to the following acts of corruption:
 - (a) the solicitation or acceptance, directly or indirectly, by a public official, of any article of monetary value, or other benefit, such as a gift, favour, prom-

- ise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
- (b) the offering or granting, directly or indirectly, by a public official, of any article of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
 - (c) any act or omission in the discharge of his or her duties by a public official for the purpose of illicitly obtaining benefits for himself or herself or for a third party;
 - (d) the diversion by a public official, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party of any movable or immovable property, monies or securities belonging to the State, to an independent agency, or to an individual, that such official received by virtue of his or her position for purposes of administration, custody or for other reasons.
 - (e) the offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties;
 - (f) the offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of the influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result;
 - (g) the fraudulent use or concealment of property derived from any of the acts referred to in this Article; and
 - (h) participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this Article.
- [...]

Article 4 Preventive measures

1. For the purposes set forth in Article 2 of this Protocol, each State Party undertakes to adopt measures, which will create, maintain and strengthen:
 - (a) standards of conduct for the correct, honourable and proper fulfillment of public functions as well as mechanisms to enforce those standards;

- (b) systems of Government hiring and procurement of goods and services that ensure the transparency, equity and efficiency of such systems;
 - (c) Government revenue collection and control systems that deter corruption as well as laws that deny favourable tax treatment for any individual or corporation for expenditures made in violation of the anti-corruption laws of the State Parties;
 - (d) mechanisms to promote access to information to facilitate eradication and elimination of opportunities for corruption;
 - (e) systems for protecting individuals who, in good faith, report acts of corruption;
 - (f) laws that punish those who make false and malicious reports against innocent persons;
 - (g) institutions responsible for implementing mechanisms for preventing, detecting, punishing and eradicating corruption;
 - (h) deterrents to the bribery of domestic public officials, and officials of foreign States, such as mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable details, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable the law enforcement agencies to detect acts of corruption;
 - (i) mechanisms to encourage participation by the media, civil society and non-governmental organizations in efforts to prevent corruption; and
 - (j) mechanisms for promoting public education and awareness in the fight against corruption.
2. Each State Party shall adopt such legislative and other measures under its domestic law to prevent and combat acts of corruption committed in and by private sector entities.

1. Not yet in force.

2. Entry into force 6 July 2005.

4.11 Matrix on the Status of Ratification of Instruments within the Southern African Development Community (SADC)

	Protocol on Gender and Development	Protocol against Corruption
Angola	S	•
Botswana		•
Democratic Republic of the Congo	S	•
Lesotho	S	•
Madagascar	S	
Malawi		•
Mauritius		•
Mozambique	S	•
Namibia	•	•
Seychelles		
South Africa	S	•
Swaziland	S	•
United Republic of Tanzania	S	•
Zambia	S	•
Zimbabwe	•	•

4.12 Non-Treaty Standards

4.12.1 SADC Principles and Guidelines Governing Democratic Elections (2004)

1. Introduction

SADC region has made significant strides in the consolidation of the citizens' participation in the decision-making processes and consolidation of democratic practice and institutions. The Constitutions of all SADC Member States enshrine the principles of equal opportunities and full participation of the citizens in the political process.

The Southern African countries, building upon their common historical and cultural identity forged over centuries, agreed to encapsulate their commonality into a single vision, that of a SHARED FUTURE. In this context, in 1992 the Southern African countries meeting in Windhoek, the Republic of Namibia, signed a Treaty establishing the Southern African Development Community (SADC).

Article 4 of the Treaty stipulates that “human rights, democracy and the rule of law” are principles guiding the acts of its members. Article 5 of the Treaty outlines the objectives of SADC, which commits the Member States to “promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective. It also commits Member States to “consolidate, defend and maintain democracy, peace, security and stability” in the region.

The Protocol on Politics, Defence and Security Cooperation provides that SADC shall “promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charter and Conventions of the Organization of African Unity (African Union) and the United Nations.”

In addition, the Strategic Indicative Plan for the Organ (SIPO), as the implementation framework of the Protocol, emphasizes the need for democratic consolidation in the region.

The development of the principles governing democratic elections aims at enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties.

The Guidelines are not only informed by the SADC legal and policy instruments but also by the major principles and guidelines emanating from the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIIIO) and the AU Guidelines for African Union Electoral Observation and Monitoring Missions – EX/CL/35 (III) Annex II.

2. *Principles for Conducting Democratic Elections*

- 2.1 SADC Member States shall adhere to the following principles in the conduct of democratic elections:
- 2.1.1 Full participation of the citizens in the political process;
- 2.1.2 Freedom of association;
- 2.1.3 Political tolerance;
- 2.1.4 Regular intervals for elections as provided for by the respective National Constitutions;
- 2.1.5 Equal opportunity for all political parties to access the state media;
- 2.1.6 Equal opportunity to exercise the right to vote and be voted for;
- 2.1.7 Independence of the Judiciary and impartiality of the electoral institutions; and
- 2.1.8 Voter education.
- 2.1.9 Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land.
- 2.1.10 Challenge of the election results as provided for in the law of the land.

7. *Responsibilities of the Member States Holding Elections*

- 7.1 Take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of the country;
- 7.2 Establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters and compilation of voters' registers, would be addressed;
- 7.3 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;
- 7.4 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 as provided for under 2.1.5 above;
- 7.5 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;
- 7.6 Ensure the availability of adequate logistics and resources for carrying out democratic elections;
- 7.7 Ensure that adequate security is provided to all parties participating in elections;

- 7.8 Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/or other observers/monitors;
- 7.9 Encourage the participation of women, disabled and youth in all aspects of the electoral process in accordance with the national laws;
- 7.10 Issuing invitation by the relevant Electoral institutions of the country in election to SADC 90 (ninety) days before the voting day in order to allow an adequate preparation for the deployment of the Electoral Observation Mission;
- 7.11 Ensure freedom of movement of the members of the SEOM within the host country;
- 7.12 Accreditation of the members of the SEOM as election observers on a non-discriminatory basis;
- 7.13 Allow the members of the SEOM to communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organizations;
- 7.14 Allow the members of the SEOM to communicate freely with voters except when the electoral law reasonably prescribes such communication in order to protect the secrecy of the vote;
- 7.15 Allow the members of the SEOM an unhindered access to and communicate freely with the media;
- 7.16 Allow the members of the SEOM to communicate with and have unimpeded access to the National Election Commission or appropriate electoral authority and all other election administrators;
- 7.17 Allow the members of the SEOM free access to all legislation and regulations governing the electoral process and environment;
- 7.18 Allow the members of the SEOM free access to all electoral registers or voters' roll;
- 7.19 Ensure that the members of the SEOM have an unimpeded and unrestricted access to all polling stations and counting centres.

The Organization of American States (OAS)

The Organization 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, a.o., 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.

4.13 Treaty Standards

4.13.1 American Convention on Human Rights (AmCHR) (1969)¹

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.

4.13.2 Inter-American Convention on the Granting of Political Rights to Women (AmCPRW) (1948)²

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.

4.13.3 Inter-American Convention against Corruption (1996)³

Article III Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen:

1. Standards of conduct for the correct, honorable, and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of resources entrusted to government officials in the performance of their functions. These standards shall also establish measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions. Such measures should help preserve the public's confidence in the integrity of public servants and government processes.
2. Mechanisms to enforce these standards of conduct.
3. Instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities.
4. Systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registrations public.
5. Systems of government hiring and procurement of goods and services that assure the openness, equity and efficiency of such systems.
6. Government revenue collection and control systems that deter corruption.
7. Laws that deny favorable tax treatment for any individual or corporation for expenditures made in violation of the anticorruption laws of the States Parties.
8. Systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with their Constitutions and the basic principles of their domestic legal systems.

9. Oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts.
10. Deterrents to the bribery of domestic and foreign government officials, such as mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable their officers to detect corrupt acts.
11. Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption.
12. The study of further preventive measures that take into account the relationship between equitable compensation and probity in public service.

Article VI Acts of Corruption

1. This Convention is applicable to the following acts of corruption:
 - a) The solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
 - b) The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
 - c) Any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party;
 - d) The fraudulent use or concealment of property derived from any of the acts referred to in this article; and
 - e) Participation as a principal, coprincipal, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, or in any collaboration or conspiracy to commit, any of the acts referred to in this article.

[...]

Article XI Progressive Development

1. In order to foster the development and harmonization of their domestic legislation and the attainment of the purposes of this Convention, the States Parties view as desirable, and undertake to consider, establishing as offenses under their laws the following acts:

- a) The improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of classified or confidential information which that official or person who performs public functions has obtained because of, or in the performance of, his functions;
- b) The improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of property belonging to the State or to any firm or institution in which the State has a proprietary interest, to which that official or person who performs public functions has access because of, or in the performance of, his functions;
[...]

-
1. Entry into force 18 July 1978.
 2. Entry into force 29 December 1954.
 3. Entry into force 6 March 1997.

4.14 Matrix on the Status of Ratification of Instruments within the Organization of American States¹

	AmCHR	AmCPRW	Inter-American Convention against Corruption
Antigua and Barbuda			•
Argentina	•	•	•
Bahamas			•
Barbados	•		S ²
Belize			•
Bolivia	•	•	•
Brazil	•	•	•
Canada		•	•
Chile	•	•	•
Colombia	•	•	•
Costa Rica	•	•	•
Cuba ³		•	
Dominica	•	•	•
Dominican Republic	•	•	•
Ecuador	•	•	•
El Salvador	•	•	•
Grenada	•		•
Guatemala	•	• ⁴	•
Guyana			•
Haiti	•	•	•

1. For up-dated information concerning ratification and signature status of the instruments mentioned in this matrix, please contact the database of the Organization of American States at <http://www.oas.org/DIL/treaties.htm>

2. Signed 6 April 2001.

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

4. 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	Inter-American Convention against Corruption
Honduras	•	• ⁵	•
Jamaica	•		•
Mexico	• ⁶	•	•
Nicaragua	•	•	•
Panama	•	•	•
Paraguay	•	•	•
Peru	•	•	•
Saint Kitts and Nevis		S ⁷	•
Saint Lucia			•
Saint Vincent and the Grenadines			•
Suriname	•	•	•
Trinidad and Tobago	• ⁸		•
United States of America	S ⁹	•	•
Uruguay	• ¹⁰	•	•
Venezuela	•	•	•

5. 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.”

6. 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.”

7. Signed 18 October 1980.

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

9. Signed 1 June 1977.

10. 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.”

4.15 Non-Treaty Standards

4.15.1 *American Declaration of the Rights and Duties of Man (1948)*¹

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.

4.15.2 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.

1. Both the Inter-American Court and the Inter-American Commission on Human Rights have held that, although originally adopted as a declaration and not as a legally binding treaty, the American Declaration is today a source of international obligations for the OAS member States.

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, to develop continent-wide agreements to standardise member countries' social and legal practices, and to 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.

4.16 Treaty Standards

4.16.1 Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950)¹

Article 10 Freedom of Expression

1. 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.
2. 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 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. 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.

4.16.2 First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR – P1) (1952)²

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.

4.16.3 Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (2000)³

Article 1 General prohibition of discrimination

1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

4.16.4 Framework Convention for the Protection of National Minorities (FCPNM) (1995)⁴

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.

4.16.5 *European Charter of Local Self-Government (ECLSG) (1985)*⁵*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.

4.16.6 *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (2009)*⁶*Article 1 Right to participate in the affairs of a local authority*

1. The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority.

2. The right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities.
3. The law shall provide means of facilitating the exercise of this right. Without unfairly discriminating against any person or group, the law may provide particular measures for different circumstances or categories of persons. In accordance with the constitutional and/or international obligations of the party, the law may, in particular, provide for measures specifically limited to voters.
- 4.1 Each Party shall recognise by law the right of nationals of the party to participate, as voters or candidates, in the election of members of the council or assembly of the local authority in which they reside.
- 4.2 The law shall also recognise the right of other persons to so participate where the party, in accordance with its own constitutional order, so decides or where this accords with the party's international legal obligations.
- 5.1 Any formalities, conditions or restrictions to the exercise of the right to participate in the affairs of a local authority shall be prescribed by law and be compatible with the party's international legal obligations.
- 5.2 The law shall impose such formalities, conditions and restrictions as are necessary to ensure that the ethical integrity and transparency of the exercise of local authorities' powers and responsibilities are not jeopardised by the exercise of the right to participate.
- 5.3 Any other formalities, conditions or restrictions must be necessary for the operation of an effective political democracy, for the maintenance of public safety in a democratic society or for the party to comply with the requirements of its international legal obligations.

Article 2 Implementing measures for the right to participate

1. The Parties shall take all such measures as are necessary to give effect to the right to participate in the affairs of a local authority.
2. These measures for the exercise of the right to participate shall include:
 - i) empowering local authorities to enable, promote and facilitate the exercise of the right to participate set out in this Protocol;
 - ii) securing the establishment of:
 - a) procedures for involving people which may include consultative processes, local referendums and petitions and, where the local authority has many inhabitants and/or covers a large geographical area, measures to involve people at a level close to them;
 - b) procedures for access, in accordance with the Party's constitutional order and international legal obligations, to official documents held by local authorities;

- c) measures for meeting the needs of categories of persons who face particular obstacles in participating; and
- d) mechanisms and procedures for dealing with and responding to complaints and suggestions regarding the functioning of local authorities and local public services;

[...]

4.16.7 Convention on the Participation of Foreigners in Public Life at Local Level (CPFPL) (1992)⁷

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.

4.16.8 Council of Europe Convention on Access to Official Documents (2009)⁸*Article 2 Right of access to official documents*

1. Each Party shall guarantee the right of everyone, without discrimination on any ground, to have access, on request, to official documents held by public authorities.

2. Each Party shall take the necessary measures in its domestic law to give effect to the provisions or access to official documents set out in this Convention.
3. These measures shall be taken at the latest at the time of entry into force of this Convention in respect of that Party.

Article 3 Possible limitations to access to official documents

1. Each Party may limit the right of access to official documents. Limitations shall be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting:
 - a) national security, defence and international relations;
 - b) public safety;
 - c) the prevention, investigation and prosecution of criminal activities;
 - d) disciplinary investigations;
 - e) inspection, control and supervision by public authorities;
 - f) privacy and other legitimate private interests;
 - g) commercial and other economic interests;
 - h) the economic, monetary and exchange rate policies of the State;
 - i) the equality of parties in court proceedings and the effective administration of justice;
 - j) environment; or
 - k) the deliberations within or between public authorities concerning the examination of a matter.

Concerned States may, at the time of signature or when depositing their instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that communication with the reigning Family and its Household or the Head of State shall also be included among the possible limitations.

2. Access to information contained in an official document may be refused if its disclosure would or would be likely to harm any of the interests mentioned in paragraph 1, unless there is an overriding public interest in disclosure.
3. The Parties shall consider setting time limits beyond which the limitations mentioned in paragraph 1 would no longer apply.

Article 10 Documents made public at the initiative of the public authorities

At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the inter-

est of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest.

4.16.9 Criminal Law Convention on Corruption (1999)⁹

Article 2 Active bribery of domestic public officials

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions.

Article 3 Passive bribery of domestic public officials

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the request or receipt by any of its public officials, directly or indirectly, of any undue advantage, for himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions.

Article 4 Bribery of members of domestic public assemblies

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any person who is a member of any domestic public assembly exercising legislative or administrative powers.

-
1. Entry into force 3 September 1953.
 2. Entry into force 18 May 1954.
 3. Entry into force 1 April 2005.
 4. Entry into force 1 February 1998.
 5. Entry into force 1 September 1988.
 6. Not yet in force.
 7. Entry into force 1 May 1997.
 8. Not yet in force.
 9. Entry into force 1 July 2002.

4.17 Matrix on the Status of Ratification of Instruments within the Council of Europe¹

	ECHR	ECHR – PI	ECHR – P12	FCPNM	ECLSG	ECLSG – Additional protocol	CPFPL	Convention on Access to Official Documents	Criminal Law Convention on Corruption
Albania	•	•	•	•	•		•		•
Andorra	•	•	•						•
Armenia	•	•	•	•	•				•
Austria	•	•	S ²	•	•				S ³
Azerbaijan	•	•	S ⁴	•	•				•
Belgium	•	•	S ⁵	S ⁶	•	S ⁷		S ⁸	•
Bosnia and Herzegovina	•	•	•	•	•				•
Bulgaria	•	•		•	•				•
Croatia	•	•	•	•	•				•
Cyprus	•	•	•	•	•		S ⁹		•
Czech Republic	•	•	S ¹⁰	•	•		S ¹¹		•
Denmark	•	•		•	•		•		•
Estonia	•	•	S ¹²	•	•	S ¹³		S ¹⁴	•

1. For up-dated information concerning ratification and signature status of the instruments mentioned in this matrix, please contact the database of the Council of Europe at <http://conventions.coe.int/>, for reference see also annex 1.

2. Signed 4 November 2000.
3. Signed 13 October 2000.
4. Signed 12 November 2003.
5. Signed 4 November 2000.
6. Signed 31 July 2001.
7. Signed 16 November 2009.
8. Signed 18 June 2009.
9. Signed 15 November 1996.
10. Signed 4 November 2000.
11. Signed 7 June 2000.
12. Signed 4 November 2000.
13. Signed 16 November 2009.
14. Signed 18 June 2009.

	ECHR	ECHR – P1	ECHR – P12	FCPNM	ECLSG	ECLSG – Additional protocol	CPFPL	Convention on Access to Official Documents	Criminal Law Convention on Corruption
Finland	•	•	•	•	•	S ¹⁵	•	S ¹⁶	•
France	•	•			•	S ¹⁷			•
Georgia	•	•	•	•	•			S ¹⁸	•
Germany	•	•	S ¹⁹	•	•				S ²⁰
Greece	•	•	S ²¹	S ²²	•				•
Hungary	•	•	S ²³	•	•	S ²⁴		•	•
Iceland	•	•	S ²⁵	S ²⁶	•	S ²⁷	•		•
Ireland	•	•	S ²⁸	•	•				•
Italy	•	•	S ²⁹	•	•		• ³⁰		S ³¹
Latvia	•	•	S ³²	•	•				•
Liechtenstein	•	•	S ³³	•	•				S ³⁴

15. Signed 16 November 2009.

16. Signed 18 June 2009.

17. Signed 16 November 2009.

18. Signed 18 June 2009.

19. Signed 4 November 2000.

20. Signed 27 January 1999.

21. Signed 4 November 2000.

22. Signed 22 September 1997.

23. Signed 4 November 2000.

24. Signed 16 November 2009.

25. Signed 4 November 2000.

26. Signed 1 February 1995.

27. Signed 16 November 2009.

28. Signed 4 November 2000.

29. Signed 4 November 2000.

30. 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”.”

31. Signed 27 January 1999.

32. Signed 4 November 2000.

33. Signed 4 November 2000.

34. Signed 17 November 2009.

	ECHR	ECHR – P1	ECHR – P12	FCPNM	ECLSG	ECLSG – Additional protocol	CPPFL	Convention on Access to Official Documents	Criminal Law Convention on Corruption
Lithuania	•	•		•	•	S ³⁵	S ³⁶	S ³⁷	•
Luxembourg	•	•	•	S ³⁸	•				•
Malta	• ³⁹	•		• ⁴⁰	•				•
Monaco	•	S ⁴¹							•
Montenegro	•	•	•	•	•	S ⁴²		S ⁴³	•
Netherlands	•	•	•	•	•	S ⁴⁴	•		•
Norway	•	•	S ⁴⁵	•	•	•	•	•	•
Poland	•	•		•	•				•
Portugal	•	•	S ⁴⁶	•	•				•
Republic of Moldova	•	•	S ⁴⁷	•	•				•
Romania	•	•	•	•	•				•
Russian Federation	•	•	S ⁴⁸	•	•				•

35. Signed 16 November 2009.

36. Signed 12 February 2008.

37. Signed 18 June 2009.

38. Signed 20 July 1995.

39. 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."

40. 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."

41. Signed 5 October 2004.

42. Signed 16 November 2009.

43. Signed 18 June 2009.

44. Signed 16 November 2009.

45. Signed 15 January 2003.

46. Signed 4 November 2000.

47. Signed 4 November 2000.

48. Signed 4 November 2000.

	ECHR	ECHR – P1	ECHR – P12	FCPNM	ECLSG	ECLSG – Additional protocol	CPFPL	Convention on Access to Official Documents	Criminal Law Convention on Corruption
San Marino	•	•	•	•					S ⁴⁹
Serbia	•	•	•	•	•			S ⁵⁰	•
Slovakia	•	•	S ⁵¹	•	•				•
Slovenia	•	•	S ⁵²	•	•	S ⁵³	S ⁵⁴	S ⁵⁵	•
Spain	• ⁵⁶	•	•	•	•				S ⁵⁷
Sweden	•	•		•	•	•	•	•	•
Switzerland	•	S ⁵⁸		•	•				•
The former Yugoslav Republic of Macedonia	•	•	•	•	•			S ⁵⁹	•
Turkey	•	•	S ⁶⁰		•				•
Ukraine	•	•	•	•	•				•
United Kingdom of Great Britain and Northern Ireland	•	•		•	•	S ⁶¹	S ⁶²		•

49. Signed 15 May 2003.

50. Signed 18 June 2009.

51. Signed 4 November 2000.

52. Signed 7 March 2001.

53. Signed 16 November 2009.

54. Signed 23 November 2006.

55. Signed 18 June 2009.

56. 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."

57. Signed 10 May 2005.

58. Signed 19 May 1976.

59. Signed 18 June 2009.

60. Signed 18 April 2001.

61. Signed 16 November 2009.

62. Signed 5 February 1992.

4.18 Non-Treaty Standards

4.18.1 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.

4.18.2 Recommendation on Measures concerning Media Coverage of Election Campaigns (2007)

Definition

For the purposes of this recommendation:

The term “media” refers to those responsible for the periodic creation of information and content and its dissemination over which there is editorial responsibility, irrespective of the means and technology used for delivery, which are intended for reception by, and which could have a clear impact on, a significant proportion of

the general public. This could, *inter alia*, include print media (newspapers, periodicals) and media disseminated over electronic communication networks, such as broadcast media (radio, television and other linear audiovisual media services), online news-services (such as online editions of newspapers and newsletters) and non-linear audiovisual media services (such as on-demand television).

Scope of the recommendation

The principles of this recommendation apply to all types of political elections taking place in member states, including presidential, legislative, regional and, where practicable, local elections and referenda.

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

In member states where the notion of the “pre-election period” is defined under domestic legislation, the principles contained in this recommendation should also apply.

Principles

I. General provisions

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 types of unlawful pressure 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 the media in carrying out their work.

3. Editorial independence

Regulatory frameworks on media coverage of elections should respect the editorial independence of the media.

Member states should ensure that there is an effective and manifest separation between the exercise of control of media and decision making as regards media content and the exercise of political authority or influence.

4. Ownership by public authorities

Member states should adopt measures whereby the media which are owned by public authorities, when covering election 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.

5. Professional and ethical standards of the media

All media are encouraged to develop self-regulatory frameworks and incorporate self-regulatory professional and ethical standards regarding their coverage of election campaigns, including, inter alia, respect for the principles of human dignity and non-discrimination. These standards should reflect their particular roles and responsibilities in democratic processes.

6. Transparency of, and access to, the media

If the media accept paid political advertising, regulatory or self-regulatory frameworks should ensure that such advertising is readily recognisable as such.

Where media is owned by political parties or politicians, member states should ensure that this is made transparent to the public.

7. The right of reply or equivalent remedies

Given the short duration of an election campaign, any candidate or political party which is entitled to a right of reply or equivalent remedies under national law or systems should be able to exercise this right or equivalent remedies during the campaign period without undue delay.

8. Opinion polls

Regulatory or self-regulatory frameworks should ensure that the media will, 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/dissemination 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 for the Protection of Human Rights and Fundamental Freedoms, 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.

9. “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 or to provide for their correction.

II. Measures concerning broadcast media

1. General framework

During election 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 election campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters. Such an obligation should apply to both public service media and private broadcasters in their relevant transmission areas.

Member states may derogate from these measures with respect to those broadcast media services exclusively devoted to, and clearly identified as, the self-promotion of a political party or candidate.

2. News and current affairs programmes

Where self-regulation does not provide for this, member states should adopt measures whereby public service media 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. In this connection, 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. Non-linear audiovisual services of public service media

Member states should apply the principles contained in points 1 and 2 above or similar provisions to non-linear audiovisual media services of public service media.

4. Free airtime and equivalent presence for political parties/candidates on public service media

Member states may examine the advisability of including in their regulatory frameworks provisions whereby public service media may make available free airtime on their broadcast and other linear audiovisual media services and/or an equivalent presence on their non-linear audiovisual media services to political parties/candidates during the election period.

Wherever such airtime and/or equivalent presence 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 election purposes, regulatory frameworks should ensure that all contending parties have the possibility of buying advertising space on and according to equal conditions and rates of payment.

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

Regular presenters of news and current affairs programmes should not take part in paid political advertising.

4.18.3 Recommendation on Legal, Operational and Technical Standards for E-voting (2004)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

[...]

Recommends that the governments of member states, where they are already using, or are considering using, e-voting comply, subject to paragraph iv. below, with paragraphs i. to iii. below, and the standards and requirements on the legal, operational and technical aspects of e-voting, as set out in the appendices to the present Recommendation:

- i. e-voting shall respect all the principles of democratic elections and referendums.
E-voting shall be as reliable and secure as democratic elections and referendums

- which do not involve the use of electronic means. This general principle encompasses all electoral matters, whether mentioned or not in the appendices;
- ii. the interconnection between the legal, operational and technical aspects of e-voting, as set out in the appendices, has to be taken into account when applying the Recommendation;
 - iii. member states should consider reviewing their relevant domestic legislation in the light of this Recommendation;
 - iv. the principles and provisions contained in the appendices to this Recommendation do not, however, require individual member states to change their own domestic voting procedures which may exist at the time of the adoption of this Recommendation, and which can be maintained by those member states when e-voting is used, as long as these domestic voting procedures comply with all the principles of democratic elections and referendums;
 - v. in order to provide the Council of Europe with a basis for possible further action on e-voting within two years after the adoption of this Recommendation, the Committee of Ministers recommends that member states:
 - keep under review their policy on, and experience of, e-voting, and in particular the implementation of the provisions of this Recommendation; and
 - report to the Council of Europe Secretariat the results of their reviews, who will forward them to member states and follow up the issue of e-voting.

In this Recommendation the following terms are used with the following meanings:

- authentication: the provision of assurance of the claimed identity of a person or data;
- ballot: the legally recognised means by which the voter can express his or her choice of voting option;
- candidate: a voting option consisting of a person and/or a group of persons and/or a political party;
- casting of the vote: entering the vote in the ballot box;
- e-election or e-referendum: a political election or referendum in which electronic means are used in one or more stages;
- electronic ballot box: the electronic means by which the votes are stored pending being counted;
- e-voting: an e-election or e-referendum that involves the use of electronic means in at least the casting of the vote;
- remote e-voting: e-voting where the casting of the vote is done by a device not controlled by an election official;
- sealing: protecting information so that it cannot be used or interpreted without the help of other information or means available only to specific persons or authorities;

- vote: the expression of the choice of voting option;
- voter: a person who is entitled to cast a vote in a particular election or referendum;
- voting channel: the way by which the voter can cast a vote;
- voting options: the range of possibilities from which a choice can be made through the casting of the vote in an election or referendum;
- voters' register: a list of persons entitled to vote (electors).

Appendix I: Legal standards

A. Principles

I. Universal suffrage

1. The voter interface of an e-voting system shall be understandable and easily usable.
2. Possible registration requirements for e-voting shall not pose an impediment to the voter participating in e-voting.
3. E-voting systems shall be designed, as far as it is practicable, to maximise the opportunities that such systems can provide for persons with disabilities.
4. Unless channels of remote e-voting are universally accessible, they shall be only an additional and optional means of voting.

II. Equal suffrage

5. In relation to any election or referendum, a voter shall be prevented from inserting more than one ballot into the electronic ballot box. A voter shall be authorised to vote only if it has been established that his/her ballot has not yet been inserted into the ballot box.
6. The e-voting system shall prevent any voter from casting a vote by more than one voting channel.
7. Every vote deposited in an electronic ballot box shall be counted, and each vote cast in the election or referendum shall be counted only once.
8. Where electronic and non-electronic voting channels are used in the same election or referendum, there shall be a secure and reliable method to aggregate all votes and to calculate the correct result.

III. Free suffrage

9. The organisation of e-voting shall secure the free formation and expression of the voter's opinion and, where required, the personal exercise of the right to vote.
10. The way in which voters are guided through the e-voting process shall be such as to prevent their voting precipitately or without reflection.

11. Voters shall be able to alter their choice at any point in the e-voting process before casting their vote, or to break off the procedure, without their previous choices being recorded or made available to any other person.
12. The e-voting system shall not permit any manipulative influence to be exercised over the voter during the voting.
13. The e-voting system shall provide the voter with a means of participating in an election or referendum without the voter exercising a preference for any of the voting options, for example, by casting a blank vote.
14. The e-voting system shall indicate clearly to the voter when the vote has been cast successfully and when the whole voting procedure has been completed.
15. The e-voting system shall prevent the changing of a vote once that vote has been cast.

IV. Secret suffrage

16. E-voting shall be organised in such a way as to exclude at any stage of the voting procedure and, in particular, at voter authentication, anything that would endanger the secrecy of the vote.
17. The e-voting system shall guarantee that votes in the electronic ballot box and votes being counted are, and will remain, anonymous, and that it is not possible to reconstruct a link between the vote and the voter.
18. The e-voting system shall be so designed that the expected number of votes in any electronic ballot box will not allow the result to be linked to individual voters.
19. Measures shall be taken to ensure that the information needed during electronic processing cannot be used to breach the secrecy of the vote.

B. Procedural safeguards

I. Transparency

20. Member states shall take steps to ensure that voters understand and have confidence in the e-voting system in use.
21. Information on the functioning of an e-voting system shall be made publicly available.
22. Voters shall be provided with an opportunity to practise any new method of e-voting before, and separately from, the moment of casting an electronic vote.
23. Any observers, to the extent permitted by law, shall be able to be present to observe and comment on the e-elections, including the establishing of the results.

II. Verifiability and accountability

24. The components of the e-voting system shall be disclosed, at least to the competent electoral authorities, as required for verification and certification purposes.

25. Before any e-voting system is introduced, and at appropriate intervals thereafter, and in particular after any changes are made to the system, an independent body, appointed by the electoral authorities, shall verify that the e-voting system is working correctly and that all the necessary security measures have been taken.
26. There shall be the possibility for a recount. Other features of the e-voting system that may influence the correctness of the results shall be verifiable.
27. The e-voting system shall not prevent the partial or complete re-run of an election or a referendum.

III. Reliability and security

28. The member state's authorities shall ensure the reliability and security of the e-voting system.
29. All possible steps shall be taken to avoid the possibility of fraud or unauthorised intervention affecting the system during the whole voting process.
30. The e-voting system shall contain measures to preserve the availability of its services during the e-voting process. It shall resist, in particular, malfunction, breakdowns or denial of service attacks.
31. Before any e-election or e-referendum takes place, the competent electoral authority shall satisfy itself that the e-voting system is genuine and operates correctly.
32. Only persons appointed by the electoral authority shall have access to the central infrastructure, the servers and the election data. There shall be clear rules established for such appointments. Critical technical activities shall be carried out by teams of at least two people. The composition of the teams shall be regularly changed. As far as possible, such activities shall be carried out outside election periods.
33. While an electronic ballot box is open, any authorised intervention affecting the system shall be carried out by teams of at least two people, be the subject of a report, be monitored by representatives of the competent electoral authority and any election observers.
34. The e-voting system shall maintain the availability and integrity of the votes. It shall also maintain the confidentiality of the votes and keep them sealed until the counting process. If stored or communicated outside controlled environments, the votes shall be encrypted.
35. Votes and voter information shall remain sealed as long as the data is held in a manner where they can be associated. Authentication information shall be separated from the voter's decision at a pre-defined stage in the e-election or referendum.

Appendix II: Operational standards

I. Notification

36. Domestic legal provisions governing an e-election or e-referendum shall provide for clear timetables concerning all stages of the election or referendum, both before and after the election or referendum.
37. The period in which an electronic vote can be cast shall not begin before the notification of an election or a referendum. Particularly with regard to remote e-voting, the period shall be defined and made known to the public well in advance of the start of voting.
38. The voters shall be informed, well in advance of the start of voting, in clear and simple language, of the way in which the e-voting will be organised, and any steps a voter may have to take in order to participate and vote.

II. Voters

39. There shall be a voters' register which is regularly updated. The voter shall be able to check, as a minimum, the information which is held about him/her on the register, and request corrections.
40. The possibility of creating an electronic register and introducing a mechanism allowing online application for voter registration and, if applicable, for application to use e-voting, shall be considered. If participation in e-voting requires a separate application by the voter and/or additional steps, an electronic, and, where possible, interactive procedure shall be considered.
41. In cases where there is an overlap between the period for voter registration and the voting period, provision for appropriate voter authentication shall be made.

III. Candidates

42. The possibility of introducing online candidate nomination may be considered.
43. A list of candidates that is generated and made available electronically shall also be publicly available by other means.

IV. Voting

44. It is particularly important, where remote e-voting takes place while polling stations are open, that the system shall be so designed that it prevents any voter from voting more than once.
45. Remote e-voting may start and/or end at an earlier time than the opening of any polling station. Remote e-voting shall not continue after the end of the voting period at polling stations.
46. For every e-voting channel, support and guidance arrangements on voting procedures shall be set up for, and be available to, the voter. In the case of

- remote e-voting, such arrangements shall also be available through a different, widely available communication channel.
47. There shall be equality in the manner of presentation of all voting options on the device used for casting an electronic vote.
 48. The electronic ballot by which an electronic vote is cast shall be free from any information about voting options, other than that strictly required for casting the vote. The e-voting system shall avoid the display of other messages that may influence the voters' choice.
 49. If it is decided that information about voting options will be accessible from the e-voting site, this information shall be presented with equality.
 50. Before casting a vote using a remote e-voting system, voters' attention shall be explicitly drawn to the fact that the e-election or e-referendum in which they are submitting their decision by electronic means is a real election or referendum. In case of tests, participants shall have their attention drawn explicitly to the fact that they are not participating in a real election or referendum and shall – when tests are continued at election times – at the same time be invited to cast their ballot by the voting channel(s) available for that purpose.
 51. A remote e-voting system shall not enable the voter to be in possession of a proof of the content of the vote cast.
 52. In a supervised environment, the information on the vote shall disappear from the visual, audio or tactile display used by the voter to cast the vote as soon as it has been cast. Where a paper proof of the electronic vote is provided to the voter at a polling station, the voter shall not be able to show it to any other person, or take this proof outside of the polling station.

V. Results

53. The e-voting system shall not allow the disclosure of the number of votes cast for any voting option until after the closure of the electronic ballot box. This information shall not be disclosed to the public until after the end of the voting period.
54. The e-voting system shall prevent processing information on votes cast within deliberately chosen sub-units that could reveal individual voters' choices.
55. Any decoding required for the counting of the votes shall be carried out as soon as practicable after the closure of the voting period.
56. When counting the votes, representatives of the competent electoral authority shall be able to participate in, and any observers able to observe, the count.
57. A record of the counting process of the electronic votes shall be kept, including information about the start and end of, and the persons involved in, the count.
58. In the event of any irregularity affecting the integrity of votes, the affected votes shall be recorded as such.

VI. *Audit*

59. The e-voting system shall be auditable.
60. The conclusions drawn from the audit process shall be applied in future elections and referendums.

Appendix III: Technical requirements

The design of an e-voting system shall be underpinned by a comprehensive assessment of the risks involved in the successful completion of the particular election or referendum. The e-voting system shall include the appropriate safeguards, based on this risk assessment, to manage the specific risks identified. Service failure or service degradation shall be kept within pre-defined limits.

A. *Accessibility*

61. Measures shall be taken to ensure that the relevant software and services can be used by all voters and, if necessary, provide access to alternative ways of voting.
62. Users shall be involved in the design of e-voting systems, particularly to identify constraints and test ease of use at each main stage of the development process.
63. Users shall be supplied, whenever required and possible, with additional facilities, such as special interfaces or other equivalent resources, such as personal assistance. User facilities shall comply as much as possible with the guidelines set out in the Web Accessibility Initiative (WAI).
64. Consideration shall be given, when developing new products, to their compatibility with existing ones, including those using technologies designed to help people with disabilities.
65. The presentation of the voting options shall be optimised for the voter.

B. *Interoperability*

66. Open standards shall be used to ensure that the various technical components or services of an e-voting system, possibly derived from a variety of sources, interoperate.
67. At present, the Election Markup Language (EML) standard is such an open standard and in order to guarantee interoperability, EML shall be used whenever possible for e-election and e-referendum applications. The decision of when to adopt EML is a matter for member states. The EML standard valid at the time of adoption of this recommendation, and supporting documentation are available on the Council of Europe website.
68. In cases which imply specific election or referendum data requirements, a localisation procedure shall be used to accommodate these needs. This would allow

for extending or restricting the information to be provided, whilst still remaining compatible with the generic version of EML. The recommended procedure is to use structured schema languages and pattern languages.

C. Systems operation

(for the central infrastructure and clients in controlled environments)

69. The competent electoral authorities shall publish an official list of the software used in an e-election or e-referendum. Member states may exclude from this list data protection software for security reasons. At the very least it shall indicate the software used, the versions, its date of installation and a brief description. A procedure shall be established for regularly installing updated versions and corrections of the relevant protection software. It shall be possible to check the state of protection of the voting equipment at any time.
70. Those responsible for operating the equipment shall draw up a contingency procedure. Any backup system shall conform to the same standards and requirements as the original system.
71. Sufficient backup arrangements shall be in place and be permanently available to ensure that voting proceeds smoothly. The staff concerned shall be ready to intervene rapidly according to a procedure drawn up by the competent electoral authorities.
72. Those responsible for the equipment shall use special procedures to ensure that during the polling period the voting equipment and its use satisfy requirements. The backup services shall be regularly supplied with monitoring protocols.
73. Before each election or referendum, the equipment shall be checked and approved in accordance with a protocol drawn up by the competent electoral authorities. The equipment shall be checked to ensure that it complies with technical specifications. The findings shall be submitted to the competent electoral authorities.
74. All technical operations shall be subject to a formal control procedure. Any substantial changes to key equipment shall be notified.
75. Key e-election or e-referendum equipment shall be located in a secure area and that area shall, throughout the election or referendum period, be guarded against interference of any sort and from any person. During the election or referendum period a physical disaster recovery plan shall be in place. Furthermore, any data retained after the election or referendum period shall be stored securely.
76. Where incidents that could threaten the integrity of the system occur, those responsible for operating the equipment shall immediately inform the competent electoral authorities, who will take the necessary steps to mitigate the

effects of the incident. The level of incident which shall be reported shall be specified in advance by the electoral authorities.

D. Security

I. General requirements

(referring to pre-voting, voting, and post-voting stages)

77. Technical and organisational measures shall be taken to ensure that no data will be permanently lost in the event of a breakdown or a fault affecting the e-voting system.
78. The e-voting system shall maintain the privacy of individuals. Confidentiality of voters' registers stored in or communicated by the e-voting system shall be maintained.
79. The e-voting system shall perform regular checks to ensure that its components operate in accordance with its technical specifications and that its services are available.
80. The e-voting system shall restrict access to its services, depending on the user identity or the user role, to those services explicitly assigned to this user or role. User authentication shall be effective before any action can be carried out.
81. The e-voting system shall protect authentication data so that unauthorised entities cannot misuse, intercept, modify, or otherwise gain knowledge of all or some of this data. In uncontrolled environments, authentication based on cryptographic mechanisms is advisable.
82. Identification of voters and candidates in a way that they can unmistakably be distinguished from other persons (unique identification) shall be ensured.
83. E-voting systems shall generate reliable and sufficiently detailed observation data so that election observation can be carried out. The time at which an event generated observation data shall be reliably determinable. The authenticity, availability and integrity of the data shall be maintained.
84. The e-voting system shall maintain reliable synchronised time sources. The accuracy of the time source shall be sufficient to maintain time marks for audit trails and observations data, as well as for maintaining the time limits for registration, nomination, voting, or counting.
85. Electoral authorities have overall responsibility for compliance with these security requirements, which shall be assessed by independent bodies.

II. Requirements in pre-voting stages

(and for data communicated to the voting stage)

86. The authenticity, availability and integrity of the voters' registers and lists of candidates shall be maintained. The source of the data shall be authenticated. Provisions on data protection shall be respected.
87. The fact that candidate nomination and, if required, the decision of the candidate and/or the competent electoral authority to accept a nomination has happened within the prescribed time limits shall be ascertainable.
88. The fact that voter registration has happened within the prescribed time limits shall be ascertainable.

III. Requirements in the voting stage

(and for data communicated during post-election stages)

89. The integrity of data communicated from the pre-voting stage (e.g. voters' registers and lists of candidates) shall be maintained. Data-origin authentication shall be carried out.
90. It shall be ensured that the e-voting system presents an authentic ballot to the voter. In the case of remote e-voting, the voter shall be informed about the means to verify that a connection to the official server has been established and that the authentic ballot has been presented.
91. The fact that a vote has been cast within the prescribed time limits shall be ascertainable.
92. Sufficient means shall be provided to ensure that the systems that are used by the voters to cast the vote can be protected against influence that could modify the vote.
93. Residual information holding the voter's decision or the display of the voter's choice shall be destroyed after the vote has been cast. In the case of remote e-voting, the voter shall be provided with information on how to delete, where that is possible, traces of the vote from the device used to cast the vote.
94. The e-voting system shall at first ensure that a user who tries to vote is eligible to vote. The e-voting system shall authenticate the voter and shall ensure that only the appropriate number of votes per voter is cast and stored in the electronic ballot box.
95. The e-voting system shall ensure that the voter's choice is accurately represented in the vote and that the sealed vote enters the electronic ballot box.
96. After the end of the e-voting period, no voter shall be allowed to gain access to the e-voting system. However, the acceptance of electronic votes into the electronic ballot box shall remain open for a sufficient period of time to allow for any delays in the passing of messages over the e-voting channel.

IV. Requirements in post-voting stages

97. The integrity of data communicated during the voting stage (e.g. votes, voters' registers, lists of candidates) shall be maintained. Data-origin authentication shall be carried out.
98. The counting process shall accurately count the votes. The counting of votes shall be reproducible.
99. The e-voting system shall maintain the availability and integrity of the electronic ballot box and the output of the counting process as long as required.

E. Audit

I. General

100. The audit system shall be designed and implemented as part of the e-voting system. Audit facilities shall be present on different levels of the system: logical, technical and application.
101. End-to-end auditing of an e-voting system shall include recording, providing monitoring facilities and providing verification facilities. Audit systems with the features set out in sections II – V below shall therefore be used to meet these requirements.

II. Recording

102. The audit system shall be open and comprehensive, and actively report on potential issues and threats.
103. The audit system shall record times, events and actions, including:
 - a. all voting-related information, including the number of eligible voters, the number of votes cast, the number of invalid votes, the counts and recounts, etc.;
 - b. any attacks on the operation of the e-voting system and its communications infrastructure;
 - c. system failures, malfunctions and other threats to the system.

III. Monitoring

104. The audit system shall provide the ability to oversee the election or referendum and to verify that the results and procedures are in accordance with the applicable legal provisions.
105. Disclosure of the audit information to unauthorised persons shall be prevented.
106. The audit system shall maintain voter anonymity at all times.

IV. Verifiability

107. The audit system shall provide the ability to cross-check and verify the correct operation of the e-voting system and the accuracy of the result, to detect voter fraud and to prove that all counted votes are authentic and that all votes have been counted.
108. The audit system shall provide the ability to verify that an e-election or e-referendum has complied with the applicable legal provisions, the aim being to verify that the results are an accurate representation of the authentic votes.

V. Other

109. The audit system shall be protected against attacks which may corrupt, alter or lose records in the audit system.
110. Member states shall take adequate steps to ensure that the confidentiality of any information obtained by any person while carrying out auditing functions is guaranteed.

F. Certification

111. Member states shall introduce certification processes that allow for any ICT (Information and Communication Technology) component to be tested and certified as being in conformity with the technical requirements described in this recommendation.
112. In order to enhance international co-operation and avoid duplication of work, member states shall consider whether their respective agencies shall join, if they have not done so already, relevant international mutual recognition arrangements such as the European Co-operation for Accreditation (EA), the International Laboratory Accreditation Co-operation (ILAC), the International Accreditation Forum (IAF) and other bodies of a similar nature.

4.18.4 Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (2003)*I. External sources of funding of political parties**Article 1 Public and private support to political parties*

The state and its citizens are both entitled to support political parties.

The state should provide support to political parties. State support should be limited to reasonable contributions. State support may be financial.

Objective, fair and reasonable criteria should be applied regarding the distribution of state support.

States should ensure that any support from the state and/or citizens does not interfere with the independence of political parties.

Article 2 Definition of donation to a political party

Donation means any deliberate act to bestow advantage, economic or otherwise, on a political party.

Article 3 General principles on donations

- a) Measures taken by states governing donations to political parties should provide specific rules to:
 - avoid conflicts of interests;
 - ensure transparency of donations and avoid secret donations;
 - avoid prejudice to the activities of political parties;
 - ensure the independence of political parties.
- b) States should:
 - i) provide that donations to political parties are made public, in particular, donations exceeding a fixed ceiling;
 - ii) consider the possibility of introducing rules limiting the value of donations to political parties;
 - iii) adopt measures to prevent established ceilings from being circumvented.

Article 4 Tax deductibility of donations

Fiscal legislation may allow tax deductibility of donations to political parties. Such tax deductibility should be limited.

Article 5 Donations by legal entities

- a) In addition to the general principles on donations, states should provide:
 - i) that donations from legal entities to political parties are registered in the books and accounts of the legal entities; and
 - ii) that shareholders or any other individual member of the legal entity be informed of donations.
- b) States should take measures aimed at limiting, prohibiting or otherwise strictly regulating donations from legal entities which provide goods or services for any public administration.
- c) States should prohibit legal entities under the control of the state or of other public authorities from making donations to political parties.

Article 6 Donations to entities connected with a political party

Rules concerning donations to political parties, with the exception of those concerning tax deductibility referred to in Article 4, should also apply, as appro-

priate, to all entities which are related, directly or indirectly, to a political party or are otherwise under the control of a political party.

Article 7 Donations from foreign donors

States should specifically limit, prohibit or otherwise regulate donations from foreign donors.

II. Sources of funding of candidates for elections and elected officials

Article 8 Application of funding rules to candidates for elections and elected representatives

The rules regarding funding of political parties should apply mutatis mutandis to:

- the funding of electoral campaigns of candidates for elections;
- the funding of political activities of elected representatives.

III. Electoral campaign expenditure

Article 9 Limits on expenditure

States should consider adopting measures to prevent excessive funding needs of political parties, such as, establishing limits on expenditure on electoral campaigns.

Article 10 Records of expenditure

States should require particular records to be kept of all expenditure, direct and indirect, on electoral campaigns in respect of each political party, each list of candidates and each candidate.

IV. Transparency

Article 11 Accounts

States should require political parties and the entities connected with political parties mentioned in Article 6 to keep proper books and accounts. The accounts of political parties should be consolidated to include, as appropriate, the accounts of the entities mentioned in Article 6.

Article 12 Records of donations

- a) States should require the accounts of a political party to specify all donations received by the party, including the nature and value of each donation.
- b) In case of donations over a certain value, donors should be identified in the records.

Article 13 Obligation to present and make public accounts

- a) States should require political parties to present the accounts referred to in Article 11 regularly, and at least annually, to the independent authority referred to in Article 14.
- b) States should require political parties regularly, and at least annually, to make public the accounts referred to in Article 11 or as a minimum a summary of those accounts, including the information required in Article 10, as appropriate, and in Article 12.

*V. Supervision**Article 14 Independent monitoring*

- a) States should provide for independent monitoring in respect of the funding of political parties and electoral campaigns.
- b) The independent monitoring should include supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication.

Article 15 Specialised personnel

States should promote the specialisation of the judiciary, police or other personnel in the fight against illegal funding of political parties and electoral campaigns.

*VI. Sanctions**Article 16 Sanctions*

States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions.

The European Union (EU)

The European Union is a treaty-based, institutional framework that defines and manages economic and political cooperation among its European member states. It was established by six countries in 1951 as an economic community and emerged as the European Union in 1992. In January 2007, the EU expanded its membership to become a union of 27 countries.

4.19 Treaty Standards

4.19.1 Charter of Fundamental Rights of the European Union (2000/2010)¹

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.

4.19.2 Act concerning the election of the Members of the European Parliament by direct universal suffrage (2002)²

Article 1

1. In each Member State, members of the European Parliament shall be elected on the basis of proportional representation, using the list system or the single transferable vote.
2. Member States may authorise voting based on a preferential list system in accordance with the procedure they adopt.
3. Elections shall be by direct universal suffrage and shall be free and secret.

Article 2

In accordance with its specific national situation, each Member State may establish constituencies for elections to the European Parliament or subdivide its electoral area in a different manner, without generally affecting the proportional nature of the voting system.

Article 3

Member States may set a minimum threshold for the allocation of seats. At national level this threshold may not exceed 5 per cent of votes cast.

Article 4

Each Member State may set a ceiling for candidates' campaign expenses.

Article 5

1. The five-year term for which members of the European Parliament are elected shall begin at the opening of the first session following each election.
It may be extended or curtailed pursuant to the second subparagraph of Article 11(2).
2. The term of office of each member of the European Parliament shall begin and end at the same time as the period referred to in paragraph 1.

Article 6

1. Members of the European Parliament shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate.
2. Members of the European Parliament shall enjoy the privileges and immunities applicable to them by virtue of the Protocol of 8 April 1965 on the privileges and immunities of the European Communities.

Article 7

1. The office of member of the European Parliament shall be incompatible with that of:
 - member of the government of a Member State,
 - Member of the Commission of the European Communities,
 - Judge, Advocate-General or Registrar of the Court of Justice of the European Communities or of the Court of First Instance,
 - member of the Board of Directors of the European Central Bank,
 - Member of the Court of Auditors of the European Communities,
 - Ombudsman of the European Communities,
 - member of the Economic and Social Committee of the European Community and of the European Atomic Energy Community,
 - member of the Committee of the Regions,
 - member of committees or other bodies set up pursuant to the Treaties establishing the European Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent direct administrative task,
 - member of the Board of Directors, Management Committee or staff of the European Investment Bank,
 - active official or servant of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank.
2. From the European Parliament elections in 2004, the office of member of the European Parliament shall be incompatible with that of member of a national parliament.

By way of derogation from that rule and without prejudice to paragraph 3: members of the Irish National Parliament who are elected to the European Parliament at a subsequent poll may have a dual mandate until the next election to the Irish National Parliament, at which juncture the first subparagraph of this paragraph shall apply;

Members of the United Kingdom Parliament who are also members of the European Parliament during the five-year term preceding election to the European Parliament in 2004 may have a dual mandate until the 2009 European Parliament elections, when the first subparagraph of this paragraph shall apply.
3. In addition, each Member State may, in the circumstances provided for in Article 8, extend rules at national level relating to incompatibility.
4. Members of the European Parliament to whom paragraphs 1, 2 and 3 become applicable in the course of the five year period referred to in Article 5 shall be replaced in accordance with Article 13.

Article 8

Subject to the provisions of this Act, the electoral procedure shall be governed in each Member State by its national provisions.

These national provisions, which may if appropriate take account of the specific situation in the Member States, shall not affect the essentially proportional nature of the voting system.

Article 9

No one may vote more than once in any election of members of the European Parliament.

Article 10

1. Elections to the European Parliament shall be held on the date and at the times fixed by each Member State; for all Member States this date shall fall within the same period starting on a Thursday morning and ending on the following Sunday.
2. Member States may not officially make public the results of their count until after the close of polling in the Member State whose electors are the last to vote within the period referred to in paragraph 1.

Article 11

1. The Council, acting unanimously after consulting the European Parliament, shall determine the electoral period for the first elections.
2. Subsequent elections shall take place in the corresponding period in the last year of the five-year period referred to in Article 5.

Should it prove impossible to hold the elections in the Community during that period, the Council acting unanimously shall, after consulting the European Parliament, determine, at least one month before the end of the five-year term referred to in Article 5, another electoral period which shall not be more than two months before or one month after the period fixed pursuant to the preceding subparagraph.

3. Without prejudice to Article 196 of the Treaty establishing the European Community and Article 109 of the Treaty establishing the European Atomic Energy Community, the European Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the end of the electoral period.
4. The powers of the outgoing European Parliament shall cease upon the opening of the first sitting of the new European Parliament.

Article 12

The European Parliament shall verify the credentials of members of the European Parliament. For this purpose it shall take note of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act other than those arising out of the national provisions to which the Act refers.

Article 13

1. A seat shall fall vacant when the mandate of a member of the European Parliament ends as a result of resignation, death or withdrawal of the mandate.
2. Subject to the other provisions of this Act, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the five-year term of office referred to in Article 5 for the remainder of that period.
3. Where the law of a Member State makes explicit provision for the withdrawal of the mandate of a member of the European Parliament, that mandate shall end pursuant to those legal provisions. The competent national authorities shall inform the European Parliament thereof.
4. Where a seat falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the competent authorities of the Member State concerned thereof.

Article 14

Should it appear necessary to adopt measures to implement this Act, the Council acting unanimously on a proposal from the European Parliament after consulting the Commission, shall adopt such measures after endeavouring to reach agreement with the European Parliament in a conciliation committee consisting of the Council and members of the European Parliament.

Article 15

This Act is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all the texts being equally authentic.

Annexes I and II shall form an integral part of this Act.

Article 16

The provisions of this Act shall enter into force on the first day of the month following that during which the last of the notifications referred to in the Decision is received.

Annex I

The United Kingdom will apply the provisions of this Act only in respect of the United Kingdom.

*Annex II**Declaration on article 14*

As regards the procedure to be followed by the Conciliation Committee, it is agreed to have recourse to the provisions of paragraphs 5, 6 and 7 of the procedure laid down in the Joint Declaration of the European Parliament, the Council and the Commission of 4 March 1975 (1)

4.19.3 Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

Chapter I. General Provisions

Article 1

1. This Directive lays down the detailed arrangements whereby citizens of the Union residing in a Member State of which they are not nationals may exercise the right to vote and to stand as a candidate there in elections to the European Parliament.
2. Nothing in this Directive shall affect each Member State's provisions concerning the right to vote or to stand as a candidate of its nationals who reside outside its electoral territory.

Article 2

For the purposes of this Directive:

1. 'elections to the European Parliament' means elections by direct universal suffrage to the European Parliament of representatives in accordance with the Act of 20 September 1976 (1);
2. 'electoral territory' means the territory of a Member State in which, in accordance with the above Act and, within that framework, in accordance with the electoral law of that Member State, members of the European Parliament are elected by the people of that Member State;
3. 'Member State of residence' means a Member State in which a citizen of the Union resides but of which he is not a national;

4. 'home Member State' means the Member State of which a citizen of the Union is a national;
5. 'Community voter' means any citizen of the Union who is entitled to vote in elections to the European Parliament in his Member State of residence in accordance with this Directive;
6. 'Community national entitled to stand as a candidate' means any citizen of the Union who has the right to stand as a candidate in elections to the European Parliament in his Member State of residence in accordance with this Directive;
7. 'electoral roll' means the official register of all voters entitled to vote in a given constituency or locality, drawn up and kept up to date by the competent authority under the electoral law of the Member State of residence, or the population register if it indicates eligibility to vote;
8. 'reference date' means the day or the days on which citizens of the Union must satisfy, under the law of the Member State of residence, the requirements for voting or for standing as a candidate in that State;
9. 'formal declaration' means a declaration by the person concerned, inaccuracy in which makes that person liable to penalties, in accordance with the national law applicable.

Article 3

Any person who, on the reference date:

- a) is a citizen of the Union within the meaning of the second subparagraph of Article 8 (1) of the Treaty;
- b) is not a national of the Member State of residence, but satisfies the same conditions in respect of the right to vote and to stand as a candidate as that State imposes by law on its own nationals, shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence unless deprived of those rights pursuant to Articles 6 and 7.

Where, in order to stand as a candidate, nationals of the Member State of residence must have been nationals for a certain minimum period, citizens of the Union shall be deemed to have met this condition when they have been nationals of a Member State for the same period.

Article 4

1. Community voters shall exercise their right to vote either in the Member State of residence or in their home Member State. No person may vote more than once at the same election.
2. No person may stand as a candidate in more than one Member State at the same election.

Article 5

If, in order to vote or to stand as candidates, nationals of the Member State or residence must have spent a certain minimum period as a resident in the electoral territory of that State, Community voters and Community nationals entitled to stand as candidates shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States. This provision shall apply without prejudice to any specific conditions as to length of residence in a given constituency or locality.

Article 6

1. Any citizen of the Union who resides in a Member State of which he is not a national and who, through an individual criminal law or civil law decision, has been deprived of his right to stand as a candidate under either the law of the Member State of residence or the law of his home Member State, shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament.
2. An application from any citizen of the Union to stand as a candidate in elections to the European Parliament in the Member State of residence shall be declared inadmissible where that citizen is unable to provide the attestation referred to in Article 10 (2).

Article 7

1. The Member State of residence may check whether the citizens of the Union who have expressed a desire to exercise their right to vote there have not been deprived of that right in the home Member State through an individual civil law or criminal law decision.
2. For the purposes of paragraph 1 of this Article, the Member State of residence may notify the home Member State of the declaration referred to in Article 9 (2). To that end, the relevant and normally available information from the home Member State shall be provided in good time and in an appropriate manner; such information may only include details which are strictly necessary for the implementation of this Article and may only be used for that purpose. If the information provided invalidates the content of the declaration, the Member State of residence shall take the appropriate steps to prevent the person concerned from voting.
3. The home Member State may, in good time and in an appropriate manner, submit to the Member State of residence any information necessary for the implementation of this Article.

Article 8

1. A Community voter exercises his right to vote in the Member State of residence if he has expressed the wish to do so.
2. If voting is compulsory in the Member State of residence, Community voters who have expressed the wish to do so shall be obliged to vote.

Chapter II. Exercise of the Right to Vote and the Right to Stand as a Candidate

Article 9

1. Member States shall take the necessary measures to enable a Community voter who has expressed the wish for such to be entered on the electoral roll sufficiently in advance of polling day.
2. In order to have his name entered on the electoral roll, a Community voter shall produce the same documents as a voter who is a national. He shall also produce a formal declaration stating:
 - (a) his nationality and his address in the electoral territory of the Member State of residence;
 - (b) where applicable, the locality or constituency in his home Member State on the electoral roll of which his name was last entered, and
 - (c) that he will exercise his right to vote in the Member State of residence only.
3. The Member State of residence may also require a Community voter to:
 - (a) state in his declaration under paragraph 2 that he has not been deprived of the right to vote in his home Member State;
 - (b) produce a valid identity document, and
 - (c) indicate the date from which he has been resident in that State or in another Member State.
4. Community voters who have been entered on the electoral roll shall remain thereon, under the same conditions as voters who are nationals, until such time as they request to be removed or until such time as they are removed automatically because they no longer satisfy the requirements for exercising the right to vote.

Article 10

1. When he submits his application to stand as a candidate, a Community national shall produce the same supporting documents as a candidate who is a national. He shall also produce a formal declaration stating:
 - (a) his nationality and his address in the electoral territory of the Member State of residence;
 - (b) that he is not standing as a candidate for election to the European Parliament in any other Member State, and

- (c) where applicable, the locality or constituency in his home Member State on the electoral roll of which his name was last entered.
2. When he submits his application to stand as a candidate a Community national must also produce an attestation from the competent administrative authorities of his home Member State certifying that he has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to those authorities.
 3. The Member State of residence may also require a Community national entitled to stand as a candidate to produce a valid identity document. It may also require him to indicate the date from which he has been a national of a Member State.

Article 11

1. The Member State of residence shall inform the person concerned of the action taken on his application for entry on the electoral roll or of the decision concerning the admissibility of his application to stand as a candidate.
2. Should a person be refused entry on the electoral roll or his application to stand as a candidate be rejected, the person concerned shall be entitled to legal remedies on the same terms as the legislation of the Member State of residence prescribes for voters and persons entitled to stand as candidates who are its nationals.

Article 12

The Member State of residence shall inform Community voters and Community nationals entitled to stand as candidates in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections in that State.

Article 13

Member States shall exchange the information required for the implementation of Article 4. To that end, the Member State of residence shall, on the basis of the formal declaration referred to in Articles 9 and 10, supply the home Member State, sufficiently in advance of polling day, with information on the latter State's nationals entered on electoral rolls or standing as candidates. The home Member State shall, in accordance with its national legislation, take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one Member State.

Chapter III. Derogations and Transitional Provisions

Article 14

1. If on 1 January 1993, in a given Member State, the proportion of citizens of the Union of voting age who reside in it but are not nationals of it exceeds 20% of the total number of citizens of the Union residing there who are of voting age, that Member State may, by way of derogation from Articles 3, 9 and 10:
 - (a) restrict the right to vote to Community voters who have resided in that Member State for a minimum period, which may not exceed five years;
 - (b) restrict the right to stand as a candidate to Community nationals entitled to stand as candidates who have resided in that Member State for a minimum period, which may not exceed 10 years.

These provisions are without prejudice to appropriate measures which this Member State may take with regard to the composition of lists of candidates and which are intended in particular to encourage the integration of non-national citizens of the Union.

However, Community voters and Community nationals entitled to stand as candidates who, owing to the fact that they have taken up residence outside their home Member State or by reason of the duration of such residence, do not have the right to vote or to stand as candidates in that home State shall not be subject to the conditions as to length of residence set out above.

2. Where, on 1 February 1994, the laws of a Member State prescribe that the nationals of another Member State who reside there have the right to vote for the national parliament of that State and, for that purpose, may be entered on the electoral roll of that State under exactly the same conditions as national voters, the first Member State may, by way of derogation from this Directive, refrain from applying Articles 6 to 13 in respect of such nationals.
3. By 31 December 1997 and thereafter 18 months prior to each election to the European Parliament, the Commission shall submit to the European Parliament and to the Council a report in which it shall check whether the grant to the Member States concerned of a derogation pursuant to Article 8b (2) of the EC Treaty is still warranted and shall propose that any necessary adjustments be made.

Member States which invoke derogations under paragraph 1 shall furnish the Commission with all the necessary background information.

Article 15

For the fourth direct elections to the European Parliament, the following special provisions shall apply:

- (a) citizens of the Union who, on 15 February 1994, already have the right to vote in the Member State of residence and whose names appear on the electoral roll in the Member State of residence shall not be subject to the formalities laid down in Article 9;
- (b) Member States in which the electoral rolls have been finalized before 15 February 1994 shall take the steps necessary to enable Community voters who wish to exercise their right to vote there to enter names on the electoral roll sufficiently in advance of polling day;
- (c) Member States which do not draw up specific electoral rolls but indicate eligibility to vote in the population register and where voting is not compulsory may also apply this system to Community voters who appear on that register and who, having been informed individually of their rights, have not expressed a wish to exercise their right to vote in their home Member State. They shall forward to the home Member State the document showing the intention expressed by those voters to vote in the Member State of residence;
- (d) Member States in which the internal procedure for the nomination of candidates for political parties and groups is governed by law may provide that any such procedures which, in accordance with that law, were opened before 1 February 1994 and the decisions taken within that framework shall remain valid.

Chapter IV. Final Provisions

Article 16

The Commission shall submit a report to the European Parliament and the Council by 31 December 1995 on the application of this Directive to the June 1994 elections to the European Parliament. On the basis of the said report the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may adopt provisions amending this Directive.

Article 17

Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 February 1994. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their

official publication. The methods of making such reference shall be laid down by Member States.

Article 18

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 19

This Directive is addressed to the Member States.

4.19.4 Council Directive on the right to vote and to stand as a candidate in municipal elections (1994)³

Chapter I. General Provisions

Article 1

1. This Directive lays down the detailed arrangements whereby citizens of the Union residing in a Member State of which they are not nationals may exercise the right to vote and to stand as a candidate there in municipal elections.
2. Nothing in this Directive shall affect each Member State's provisions concerning the right to vote or to stand as a candidate either of its nationals who reside outside its territory or of third country nationals who reside in that State.

Article 2

1. For the purposes of this Directive:
 - (a) 'basic local government unit' means the administrative entities listed in the Annex which, in accordance with the laws of each Member State, contain bodies elected by direct universal suffrage and are empowered to administer, at the basic level of political and administrative organization, certain local affairs on their own responsibility;
 - (b) 'municipal elections' means elections by direct universal suffrage to appoint the members of the representative council and, where appropriate, under the laws of each Member State, the head and members of the executive of a basic local government unit;
 - (c) 'Member State of residence' means the Member State in which a citizen of the Union resides but of which he is not a national;
 - (d) 'home Member State' means the Member State of which a citizen of the Union is a national;

- (e) ‘electoral roll’ means the official register of all voters entitled to vote in a given basic local government unit or in one of its subdivisions, drawn up and kept up-to-date by the competent authority under the electoral law of the Member State of residence, or the population register if it indicates eligibility to vote;
 - (f) ‘reference date’ means the day or days on which citizens of the Union must satisfy, under the law of the Member State of residence, the requirements for voting or for standing as a candidate in that State;
 - (g) ‘formal declaration’ means a declaration by the person concerned, inaccuracy in which makes that person liable to penalties, in accordance with the national law applicable.
2. A Member State shall notify the Commission if any local government unit referred to in the Annex is, by virtue of a change in its domestic law, replaced by another unit having the functions referred to in paragraph 1 (a) of this Article or if, by virtue of such a change, any such unit is abolished or further such units are created.

Within three months of receipt of such a notification, together with a Member State’s assurance that no person’s rights under this Directive will be prejudiced, the Commission shall adapt the Annex by making appropriate substitutions, deletions or additions. The Annex so revised shall be published in the Official Journal.

Article 3

Any person who, on the reference date:

- (a) is a citizen of the Union within the meaning of the second subparagraph of Article 8 (1) of the Treaty; and
- (b) is not a national of the Member State of residence, but in any event satisfies the same conditions in respect of the right to vote and to stand as a candidate as that State imposes by law on its own nationals, shall have the right to vote and to stand as a candidate in municipal elections in the Member State of residence in accordance with this Directive.

Article 4

1. If, in order to vote or to stand as candidates, nationals of the Member State of residence must have spent a certain minimum period as a resident in the territory of that State, voters and persons entitled to stand as candidates within the scope of Article 3 shall be deemed to have fulfilled that condition where they have resided for an equivalent period in other Member States.
2. If, under the laws of the Member State of residence, its own nationals may vote or stand as candidates only in the basic local government unit in which they

have their principal residence, voters and persons entitled to stand as candidates within the scope of Article 3 shall also be subject to this condition.

3. Paragraph 1 shall not affect the provisions of each Member State under which the exercise by any person of the right to vote and to stand as a candidate in a given basic local government unit is subject to his having spent a minimum period as a resident in that unit.

Nor shall paragraph 1 affect any national provision already in force on the date of adoption of this Directive, whereby the exercise by any person of such right to vote and to stand as a candidate is subject to his having spent a minimum period in the constituent part of the Member State of which the basic local government unit forms a part.

Article 5

1. Member States of residence may provide that any citizen of the Union who, through an individual decision under civil law or a criminal law decision, has been deprived of his right to stand as a candidate under the law of his home Member State, shall be precluded from exercising that right in municipal elections.
2. An application from any citizen of the Union to stand as a candidate in municipal elections in the Member State of residence may be declared inadmissible where that citizen is unable to produce the declaration referred to in Article 9 (2) (a) or the attestation referred to in Article 9 (2) (b).
3. Member States may provide that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit if elected to hold office for the duration of his mandate.

The Member States may also lay down that the temporary or interim performance of the functions of a head, deputy or member of the governing college of the executive of a basic local government unit may be restricted to own nationals.

Having regard to the Treaty and to general legal principles, Member States may take appropriate, necessary and proportional measures to ensure that the offices referred to in the first subparagraph can only be held and the interim functions referred to in the second subparagraph can be performed only by their own nationals.

4. Member States may also stipulate that citizens of the Union elected as members of a representative council shall take part in neither the designation of delegates who can vote in a parliamentary assembly nor the election of the members of that assembly.

Article 6

1. Persons entitled to stand as candidates within the scope of Article 3 shall be subject to the same conditions concerning incompatibility as apply, under the laws of the Member State of residence, to nationals of that State.
2. Member States may provide that the holding of elected municipal office in the Member State of residence is also incompatible with the holding of offices in other Member States which are equivalent to those which give rise to incompatibility in the Member State of residence.

Chapter II. Exercise of the Right to Vote and the Right to Stand as a Candidate

Article 7

1. A voter within the scope of Article 3 shall exercise his right to vote in municipal elections in the Member State of residence if he has expressed the wish to do so.
2. If voting is compulsory in the Member State of residence, voters within the scope of Article 3 who have been entered on the electoral roll there shall also be obliged to vote.
3. Member States where voting is not compulsory may provide for the automatic registration of voters within the scope of Article 3 on the electoral roll.

Article 8

1. Member States shall take the necessary measures to enable a voter within the scope of Article 3 to be entered on the electoral roll sufficiently in advance of polling day.
2. In order to have his name entered on the electoral roll, a voter within the scope of Article 3 shall produce the same documents as a voter who is a national.
The Member State of residence may also require a voter within the scope of Article 3 to produce a valid identity document, along with a formal declaration stating his nationality, and his address in the Member State of residence.
3. Voters within the scope of Article 3 who have been entered on an electoral roll in the Member State of residence shall remain thereon, under the same conditions as voters who are nationals, until such time as they are removed automatically because they no longer satisfy the requirements for exercising the right to vote.

Voters who have been entered on the electoral roll at their request can also be removed from it if they so request.

If such voters move to another basic local government unit in the same Member State, they shall be entered on the electoral roll of that unit under the same conditions as voters who are nationals.

Article 9

1. When he submits his application to stand as a candidate, a person entitled to stand as a candidate within the scope of Article 3 shall produce the same supporting documents as a candidate who is a national. The Member State of residence may require him to produce a formal declaration stating his nationality and his address in the Member State of residence.
2. The Member State of residence may also require a person entitled to stand as a candidate within the scope of Article 3 to:
 - (a) state in the formal declaration which he produces in accordance with paragraph 1 when submitting his application to stand as a candidate that he has not been deprived of the right to stand as a candidate in his home Member State;
 - (b) in case of doubt regarding the content of the declaration pursuant to (a), or where required under the legal provisions of a Member State, to produce before or after the election an attestation from the competent administrative authorities in his home Member State certifying that he has not been deprived of the right to stand as a candidate in that State or that no such disqualification is known to those authorities;
 - (c) produce a valid identity document;
 - (d) state in the formal declaration he produces in accordance with paragraph 1 that he holds no office which is incompatible within the meaning of Article 6 (2);
 - (e) indicate his last address in his home Member State, in so far as he has had one.

Article 10

1. The Member State of residence shall inform the person concerned in good time of the action taken on his application for entry on the electoral roll or of the decision concerning the admissibility of his application to stand as a candidate.
2. Should a person not be entered on the electoral roll or have his application form entry refused or have his application to stand as a candidate rejected, the person concerned shall be entitled to legal remedies on similar terms as the laws of the Member State of residence prescribe for voters and persons entitled to stand as candidates who are its nationals.

Article 11

The Member State of residence shall inform voters and persons entitled to stand as candidates within the scope of Article 3 in good time and in an appropriate

manner of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections in that State.

Chapter III. Derogations and Transitional Provisions

Article 12

1. Where, on 1 January 1996, in a given Member State, the proportion of citizens of the Union of voting age who reside in it but are not nationals of it exceeds 20 % of the total number of citizens of the Union residing there who are of voting age, that Member State may, by way of derogation from this Directive:
 - (a) restrict the right to vote to voters within the scope of Article 3 who have resided in that Member State for a minimum period, which may not be longer than the term for which the representative council of the municipality is elected;
 - (b) restrict the right to stand as a candidate to persons entitled to stand as candidates within the scope of Article 3 who have resided in that Member State for a minimum period, which may not be longer than twice the term for which the representative council of the municipality is elected; and
 - (c) take appropriate measures with regard to the composition of lists of candidates to encourage in particular the integration of citizens of the Union, who are nationals of another Member State.
2. The Kingdom of Belgium may, by way of derogation from the provisions of this Directive, apply the provisions of paragraph 1 (a) to a limited number of local government units, the list of which it shall communicate at least one year before the local government unit elections for which it intends to invoke the derogation.
3. Where, on 1 January 1996, the laws of a Member State prescribe that the nationals of another Member State who reside there have the right to vote for the national parliament of that State and, for that purpose, may be entered on the electoral roll of that State under exactly the same conditions as national voters, the first Member State may, by way of derogation from this Directive, refrain from applying Articles 6 to 11 in respect of such persons.
4. By 31 December 1998 and every six years thereafter, the Commission shall submit to the European Parliament and to the Council a report in which it shall check whether the grant to the Member States concerned of a derogation pursuant to Article 8b (1) of the Treaty is still warranted and shall propose that any necessary adjustments be made. Member States which invoke derogations under paragraphs 1 and 2 shall furnish the Commission with all the necessary background information.

Chapter IV. Final Provisions

Article 13

The Commission shall submit a report to the European Parliament and the Council on the application of this Directive, including any changes in the electorate which have taken place since its entry into force, within a year of the holding in all the Member States of the municipal elections organized on the basis of the above provisions, and shall, where appropriate, propose appropriate adjustments.

Article 14

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1996. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 15

This Directive shall enter into force on the 20th day following that of its publication in the Official Journal of the European Communities.

Article 16

This Directive is addressed to the Member States.

4.19.5 Regulation governing political parties at European level and the rules regarding their funding (2003)⁴

Article 6

Obligations linked to funding

1. A political party at European level as well as a political foundation at European level shall:
 - (a) publish its revenue and expenditure and a statement of its assets and liabilities annually;
 - (b) declare its sources of funding by providing a list specifying the donors and the donations received from each donor, with the exception of donations not exceeding EUR 500 per year and per donor.
2. A political party at European level as well as a political foundation at European level shall not accept:
 - (a) anonymous donations;

- (b) donations from the budgets of political groups in the European Parliament;
 - (c) donations from any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it;
 - (d) donations exceeding EUR 12000 per year and per donor from any natural or legal person other than the undertakings referred to in point (c) and without prejudice to paragraphs 3 and 4;
 - (e) donations from any public authority from a third country, including from any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.
3. Contributions to a political party at European level from national political parties which are members of a political party at European level or from a natural person who is a member of a political party at European level shall be admissible. Contributions to a political party at European level from national political parties or from a natural person shall not exceed 40 % of the annual budget of that political party at European level.
 4. Contributions to a political foundation at European level from national political foundations, which are members of a political foundation at European level, as well as from political parties at European level, shall be admissible. Those contributions shall not exceed 40 % of the annual budget of that political foundation at European level and may not derive from funds received by a political party at European level pursuant to this Regulation from the general budget of the European Union.

The burden of proof shall rest with the political party at European level concerned.

Article 7

Prohibition of funding

1. The funding of political parties at European level from the general budget of the European Union or from any other source may not be used for the direct or indirect funding of other political parties, and in particular national parties or candidates. These national political parties and candidates shall continue to be governed by national rules.
2. The funding of political foundations at European level from the general budget of the European Union or from any other source shall not be used for the direct or indirect funding of political parties or candidates either at European or national level or foundations at national level.

Article 8

Nature of expenditure

Without prejudice to the funding of political foundations, appropriations received from the general budget of the European Union in accordance with this Regulation may only be used to meet expenditure directly linked to the objectives set out in the political programme referred to in Article 4(2)(b).

Such expenditure shall include administrative expenditure and expenditure linked to technical assistance, meetings, research, cross-border events, studies, information and publications.

The expenditure of political parties at European level may also include financing campaigns conducted by the political parties at European level in the context of the elections to the European Parliament, in which they participate as required in Article 3(1)(d). In accordance with Article 7, these appropriations shall not be used for the direct or indirect funding of national political parties or candidates.

Such expenditure shall not be used to finance referenda campaigns.

However, in accordance with Article 8 of the Act concerning the election of the members of the European Parliament by direct universal suffrage, the funding of and limitation of election expenses for all parties and candidates at European Parliament elections is governed in each Member State by national provision.

1. As established in article 1(8) of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, which introduces a new article 6 of the Treaty on European Union.

2. Entry into force 23 September 2002.

3. Council Directive 94/80/EC, entry into force 20 January 1995. Amended by Council Directive 96/30/EC and 2006/106/EC.

4. Regulation (EC) No 2004/2003 as amended by Regulation (EC) No 1524/2007. The amending regulation entered into force on 27 December 2007.

4.20 Non-Treaty Standards

4.20.1 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.

4.20.2 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 [...].

4.20.3 Cotonou Agreement (Between EU and ACP Partner Countries) (2000)^{1,2}

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 trans-

parent 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 regular 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.

1. It should be underlined that the Cotonou Agreement is a binding treaty under international law not only for the EU but also for the ACP Partner Countries, sustaining their commitment to international human rights, including the right to participation and the different election elements.

2. Revised in June 2005, with the revision entering into force on 1 July 2008

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 only seven founding members, the League has grown to a membership of 22, including Palestine, which is considered an independent state. To date, there have been no ratifications of the Arab Charter on Human Rights.

4.21 Treaty Standards

4.21.1 Arab Charter on Human Rights (2004)¹

Article 24

Every citizen has the right to:

1. Freedom of political activity.
2. Take part in the conduct of public affairs, directly or through freely chosen representatives.
3. Stand for election and to choose his representative in free and fair elections under conditions guaranteeing equality between all citizens and ensuring the free expression of the will of the electorate.
4. The opportunity to gain access, on general terms of equality, to public service in his country under equal conditions of opportunity.
5. Form associations with others and to join associations.
6. Freedom of peaceful assembly and association.
7. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a society that respects freedom and human rights, in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 32

1. The present Charter shall ensure the right to information, freedom of opinion and freedom of expression, freedom to seek, receive and impart information by all means, regardless of frontiers.

2. Such rights and freedoms are exercised in the framework of society's fundamental principles and shall only be subjected to restrictions necessary for the respect of the rights or reputation of others and for the protection of national security or of public order, health or morals.

1. Entry into force 15 March 2008.

4.22 Matrix on the Status of Ratification of Instruments within the League of Arab States (LAS)

	Arab Charter of Human Rights (2004)
Algeria	•
Bahrain	•
Comoros	
Djibouti	
Egypt	
Iraq	
Jordan	•
Kuwait	
Lebanon	
Libyan Arab Jamahiriya	•
Mauritania	
Morocco	
Oman	
Palestine	•
Qatar	
Saudi Arabia	
Somalia	
Sudan	
Syria	•
Tunisia	
United Arab Emirates	•
Yemen	

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.

4.23 Treaty Standards

4.23.1 Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms (1995)¹

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,
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 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, 12 and 20 shall be regarded as preventing the Contracting Parties from imposing restrictions on the political activity of alien citizens and stateless persons.

4.23.2 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States (2002)²

The member states of this Convention (hereinafter referred to as "the Parties"), considering the aims and principles of the Charter of the Commonwealth of Independent States, reaffirming the importance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the will of the people as expressed in periodic and genuine elections shall be the basis of the authority of government, as well as the documents of the Organization for Security and Cooperation in Europe, the Council of Europe and other international organizations on the conduct of free and fair elections,

Convinced that the recognition, observance and protection of human and civil rights and freedoms, the development and perfection of the democratic institutions of expression of the will of the people and the procedures for their realization in accordance with the universally accepted principles and norms of international law on the basis of the national constitution and legal acts are the purpose and obligation of a law-based state, one of the inalienable conditions for social stability and further strengthening of cooperation between the states in the name

of the realization and protection of the ideals and principles which constitute their common democratic asset,

Wishing to facilitate the consolidation and improvement of the democratic systems of representative government, democratic traditions of expression of the will of the people in elections, realization of other forms of the power of the people based on the supremacy of law and maximum consideration for the national and historical traditions,

Convinced that elections are one of the political and legal instruments of a stable civil society and sustainable development of a state,

Recognizing the value of the national experience in the legal regulation of elections accumulated by the member states of the Commonwealth of Independent States, guarantees of the electoral rights and freedoms of a human being and citizen,

Determined to assure the combination of the universally accepted election standards and national norms for the regulation of elections, electoral rights and freedoms of a human being and citizen, as well as the guarantees for their realization and protection; implement the provisions of this Convention on the basis of the constitution and national laws and the appropriate state policy,

Wishing to lay down the guarantees for organization of public and international observation of elections in the member states of this Convention,

Have agreed as follows:

Article 1 Standards of Democratic Elections

1. Democratic elections are one of the supreme direct expressions of the power and will of the people, the basis of elective bodies of state power and bodies of local self-government, other bodies of popular (national) representation, elective officials.
2. The Parties recognize that the election standards are the following: the right of a citizen to elect and be elected to bodies of state power and bodies of local self-government, other bodies of popular (national) representation; periodic and mandatory, fair, genuine, free elections based on universal, equal suffrage and held by secret ballot, which ensure free expression of the will of voters; open and public elections; judicial and other protection of electoral rights and freedoms of a human being and citizen; public and international observation of elections; guarantees for realization of electoral rights and freedoms of participants in the electoral process.
3. The right of a citizen to elect and be elected shall be laid down by the constitution and/or laws and the procedure for its exercise shall be established by laws and other legal acts. Legislative regulation of the right to elect and be elected, election procedures (election systems), as well as restriction of electoral rights and

freedoms shall not limit or abolish the universally accepted civil and human rights and the constitutional and/or legislative guarantees for their exercise, and shall not be discriminatory.

4. Elections shall be called and conducted on the basis of the constitution and laws.
5. Elected persons, who polled the required number of votes established by the constitution, law, shall assume office in the procedure and at the time established by 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, as provided by the constitutions, laws in accordance with the democratic parliamentary and constitutional procedures.
6. The legitimate and public nature of elections, protection and realization of the electoral rights and freedoms of citizens, candidates, political parties (coalitions), participating in elections, implementation of the constitutional principles of organization of the electoral process in law enforcement practices shall be assured by the judicial, administrative and other means of protection.
7. Foreign nationals, stateless persons, foreign legal entities, international public movements, international organizations shall not be allowed to participate, directly or indirectly, in any activity conducive or obstructive to the preparation and conduct of elections to the bodies of state power and bodies of local self-government, other bodies of popular (national) representation, election to elective offices.

Article 2 Universal Suffrage

1. Observance of the principle of universal suffrage means the following:
 - (a) each citizen, who has attained to the age established by the constitution, laws, has the right to elect and be elected to the bodies of state power and bodies of local self-government, other bodies of popular (national) representation, elective offices, subject to the conditions and in the procedure provided by the constitution and laws;
 - (b) the right of a citizen to elect and be elected to the bodies of state power and bodies of local self-government, other bodies of popular (national) representation, elective offices is realizable irrespective of any discriminatory restrictions on account of sex, language, religion or faith, political or other convictions, ethnic or social origin, national minority or ethnic group to which the citizen belongs; property status; or other similar circumstances;
 - (c) each citizen, residing or staying during the period of the national elections outside the territory of his state, has the same electoral rights as the other citizens of his state. Diplomatic and consular missions, their officials shall assist citizens in the realization of their electoral rights and freedoms;

- (d) each citizen has a guaranteed right to receive information about his inclusion on a voters list, correct this information so as to ensure the completeness and accuracy of this list, and appeal, in the procedure established by law, the refusal to include him on a voter's list.

Article 3 Equal Suffrage

1. Observance of the principle of equal suffrage means the following:
 - (a) each voter has one vote or the same number of votes as other voters; he may exercise his right to vote equally with other voters and his vote (votes) is (are) accorded equivalent weight to that of other voter's and the weight of a voter's vote (votes) must not be affected by the electoral system used in the state;
 - (b) when voting is conducted in single-seat and/or multi-seat electoral districts these districts are formed on an equal basis, so that voting results should reflect the will of the voters most accurately and fully. The criterion of an equal basis may be the approximate equality of single-seat electoral districts with regard to the number of voters or the approximate equality of the number of voters per deputy mandate in multi-seat electoral districts. Deviations from the average representation quota may be allowed for hard-to-reach and remote localities, areas of compact settlement of small indigenous peoples and other national minorities and ethnic groups.
2. Each voter shall have the right to equal and free access to the electoral precinct and to the polling station for exercising his right to participate in free voting.
3. A citizen may be given a possibility to exercise his right to participate in voting through organization of early voting, voting outside the polling station or by means of other voting procedures ensuring the maximum convenience for voters.
4. Each citizen shall have equal legal opportunities for self-nomination in elections.
5. Restrictions connected with special requirements to participation in an election campaign of candidates running for election to an elective office for a new term shall be regulated by the constitution and laws. Compliance with the established restrictions must not prevent deputies, elective officials from exercising their powers and performing their obligations to voters.
6. Candidates shall not take advantage of their position or official status to gain election. The list of violations of the principle of equal suffrage and the responsibility for such violations shall be established by law.

Article 4 Direct Suffrage

1. Observance of the principle of direct suffrage means that in elections citizens directly vote for the candidate and/or list of candidates or against the candidate, candidates, list of candidates or against all candidates and/or lists of candidates.

2. All deputy mandates of one of the chambers of the national legislative body shall be an object of free competition between candidates and/or lists of candidates in the course of general elections.
3. If a national legislative body consists of two chambers and some of or all mandates of the other chamber of this body are not an object of free competition between candidates and/or lists of candidates in the course of general elections, this does not contradict the provisions of this Convention.

Article 5 Secret Voting

1. Observance of the principle of secret voting means exclusion of any control whatsoever over the expression of the will of voters, assurance of equal conditions for making a free choice.
2. The rights of citizens to secret voting shall not be restricted in any way and by anything.
3. Elections shall be held with the use of a secret voting procedure.
4. Election bodies shall ensure observance of conditions, established by the constitution, law, other legal acts, which make it impossible for anyone to control or watch ballots being marked by voters at the place of secret voting, or do any acts violating the secrecy of voting.

Article 6 Periodic and Mandatory Elections

1. Election of elective bodies of state power, bodies of local self-government, other bodies of popular (national) representation, elective officials shall be mandatory and shall be held within the periods established by the constitution and laws.
2. Elections shall be held at the intervals established by the constitution, laws so that the basis for the elective bodies of state power, bodies of local self-government, other bodies of popular (national) representation, elective officials be always formed by the free will of the people.
3. The period of powers of elective bodies and officials shall be established by the constitution and laws and may be changed only in accordance with the procedure established thereby.
4. No actions shall be taken or calls made which incite, or aim to incite, disruption, cancellation or postponement of elections, electoral actions and procedures announced in accordance with the constitution, laws.
5. In the conditions of a state of emergency or martial law imposed for safeguarding the security of citizens and protecting the constitutional system in accordance with the constitution, restrictions may be imposed by laws on the rights and freedoms, with the indication of their scope and period and elections may be postponed.

Article 7 Open and Public Elections

1. Elections shall be prepared and conducted openly and publicly.
2. Decisions of bodies of state power, bodies of local self-government election bodies, which are adopted within the scope of their competence and relate to the calling, preparation and conduct of elections, assurance and protection of the electoral rights and freedoms of a citizen, 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. Legal acts and decisions affecting the electoral rights, freedoms and obligations of a citizen shall not be applicable unless they have been officially published for general information.
4. Within the period established by the election laws the election body shall officially publish the information about the voting returns and elected persons, in its organ or other media outlets.
5. Observance of the principle of open and public elections must ensure creation of legal conditions for public and international monitoring of elections.

Article 8 Free Elections

1. The supremacy of the constitution shall be the basis for holding free elections and for making it possible for citizens and other participants in the electoral process to choose, without any influence, coercion, threat of coercion or any other unlawful inducement, whether to participate or not to participate in elections in the forms allowed by law and by lawful methods, without fear of any punishment or mistreatment regardless of voting returns and election results, as well as the basis for the legal and other guarantees of strict observance of the principle of free elections in the course of the entire electoral process.
2. Participation of a citizen in elections shall be free and voluntary. No one shall compel him to vote for or against any definite candidate (candidates), any definite list of candidates and no one shall compel him to participate or not to participate in elections or prevent him from freely expressing his will. No voters shall be compelled by anyone to declare how he intends to vote or has voted for a candidate (candidates), lists of candidates.
3. Candidates, political parties (coalitions) and other participants in the electoral process shall bear responsibility to the public and the state in accordance with the constitution and law. No candidate, no political party (coalition), no other public association or public organization shall use the methods of psychic, physical, religious compulsion or calls for violence or threats of violence or any other forms of coercion.

Article 9 Genuine Elections

1. Genuine elections shall ensure determination of a freely expressed will of the people and its direct realization.
2. Genuine elections shall make it possible for voters to elect candidates on the basis of the constitution and laws. In genuine elections there is real political pluralism, ideological diversity and a multi-party system realized through the functioning of political parties whose lawful activity is under the legal protection of the state.
3. In genuine elections voters shall have free access to the information about candidates, lists of candidates, political parties (coalitions) electoral process, and candidates, political parties (coalitions) – to the mass information and telecommunications media.
4. Elections shall be prepared and conducted with the use of the official language or official languages of the state and, in cases and in the procedure provided by laws, also with the use of official languages of parts of the territory of the state, languages of peoples and nationalities, national minorities and ethnic groups on the territories of their compact settlement.
5. Elections shall be called and electoral actions and procedures carried out in the procedure and within the periods which allow candidates, political parties (coalitions) and other participants in the electoral process to organize a full-fledged election propaganda campaign.
6. In genuine elections equal and fair legal conditions shall be ensured for registration of candidates, lists of candidates and political parties (coalitions). Requirements to registration shall be clear and free from any conditions which may serve as a basis for discriminatory privileges or restrictions. Arbitrary or discriminatory use of the rules for registration of candidates, lists of candidates and political parties (coalitions) shall not be allowed.
7. Each candidate and each political party (coalition) participating in elections shall accept the voting returns and results of democratic elections and shall have a possibility to appeal, in courts and/or other bodies, voting returns and election results which violate the electoral rights and freedoms of a citizen, in the procedure and within the period established by laws, international obligations of the state.
8. Persons and bodies falsifying vote count, voting returns and election results, interfering with free realization by a citizen of his electoral rights and freedoms, including in the form of a boycott or calls for a boycott of elections, refusal to perform electoral procedures or electoral actions, shall be prosecutable under law.

Article 10 Fair Elections

1. Observance of the principle of fair elections must ensure equal legal conditions to all participants in the electoral process.

2. Fair elections shall guarantee:
 - (a) universal and equal suffrage;
 - (b) equal possibilities for participation of each candidate or each political party (coalition) in an election campaign, including access to the mass information and telecommunications media;
 - (c) fair and public funding of elections, election campaigns of candidates, political parties (coalitions);
 - (d) honest voting and vote counting; rapid provision of full information about voting results and official publication of all election results;
 - (e) organization of the electoral process by impartial election bodies, working openly and publicly under effective public and international observation;
 - (f) prompt and effective adjudication of complaints about violation of electoral rights and freedoms of citizens, candidates, political parties (coalitions) to be performed by courts and other duly authorized bodies within the time frame of the appropriate stages of the electoral process, assurance of a citizen's right to apply to international judicial bodies for protection and restoration of his electoral rights and freedoms, in a procedure established by the norms of international law.
3. Candidates may be nominated by voters of the appropriate electoral district or may nominate themselves. Candidates and/or lists of candidates may be also nominated by political parties (coalitions), other public associations and other entities which have the right to nominate candidates and/or lists of candidates under the constitution, laws.

Article 11 Conduct of Elections by Election Bodies (Election Commissions)

1. Preparation and conduct of elections, assurance and protection of electoral rights and freedoms of citizens and control over their observance shall be entrusted to election bodies (election commissions), with their status, competence and powers being established by the constitution, legislative acts.
2. No other structures (bodies, organizations) shall be formed or allowed to operate which supersede election bodies or perform, fully or partially, their functions, or obstruct or unlawfully interfere with their lawful activity, or appropriate their status and powers.
3. The procedure for the formation of election bodies, their powers, organization of their activity as well as the procedure, grounds, and time for dissolution of an election body or early termination of the powers of its member shall be established by law. The procedure and time of early termination of powers of members of an election body established by law and appointment by a duly authorized body of a new member of an election body to fill the vacancy shall not prevent the election body from exercising its powers, shall not affect the

- integrity of the electoral process, delay the performance of electoral actions, violate the electoral rights and freedoms of citizens.
4. The Parties admit that a candidate, a political party (coalition), which nominated a list of candidates, may be granted the right to appoint, in a procedure established by law, one non-voting member to the election body which registered the candidate (list of candidates) and to the lower election bodies for representing this candidate, political party (coalition).
 5. A non-voting member of an election body may speak at meetings of the election bodies, make proposals on the questions within the scope of competence of the election body, ask that these questions be put to the vote, submit complaints against actions (omissions) of the election body to the higher election body or to a court, exercise other powers provided by law.
 6. Decisions taken by election bodies within the scope of their competence shall be binding on the bodies of executive power, state institutions, bodies of local self-government, political parties and other public associations, their authorized representatives, organizations, officials, voters, lower election bodies, other persons and organizations indicated in laws.
 7. The Parties shall, by their laws, impose an obligation on state bodies, bodies of local self-government, institutions, organizations and on their officials to assist election bodies in the exercise of their powers and shall oblige TV and radio companies and print media indicated in the election laws to provide, respectively, free air time and free space for information of voters about the election, progress of the election campaign.

Article 12 Funding of Elections and Election Campaigns of Candidates, Political Parties (Coalitions)

1. The activities connected with elections shall be funded from the budget.
2. In cases and in the procedure provided by the constitutions and laws the state shall, on a fair basis, allocate budget funds to candidates, political parties (coalitions), participating in elections and shall allow formation of an extra-budgetary fund at an election body or formation of their own funds to finance their election campaigns, using for these purposes their own money and voluntary donations from natural persons and/or national legal entities, in the amount and in the procedure established by laws. The use by candidates, political parties (coalitions) of any sums of money other than those contributed to the said funds shall be prohibited by and punishable under laws.
3. All foreign donations, including those from foreign natural persons and legal entities, to candidates, political parties (coalitions), participating in elections, to any other public associations, public organizations, which are directly, indirectly or otherwise associated with a candidate, political party (coalition) or

are under their direct influence or control and facilitate, or assist in, the implementation of the aims of a political party (coalition), shall not be allowed.

4. The Parties shall ensure openness and transparency of all monetary donations to candidates, political parties (coalitions), participating in elections, so as to exclude donations prohibited by law being made to candidates or to political parties (coalitions), which nominated candidates (lists of candidates) in elections.
5. Candidates, political parties (coalitions), participating in elections, shall, at the intervals established by law, submit to election bodies and other bodies, designated by law, the information and reports concerning receipt of all donations to their election funds, the donors, all expenditures made from these funds to finance their election campaign. Election bodies shall arrange for publication of such information and reports in the mass information and telecommunications media indicated in laws.
6. A special body (bodies) may be organized to control or oversee compliance with the rules and procedures for campaign funding of candidates, political parties (coalitions), or appropriate powers shall be vested in officials or election bodies.
7. A list of violations of the conditions and procedure for making donations, funding the activity of candidates, political parties (coalitions) as well as a list of measures to avert, prevent or stop infractions in election funding and funding of election campaigns of candidates, political parties (coalitions) shall be established by laws, other legal acts.

Article 13 Informational Support of Elections and Election Campaigning by the State

1. The Parties shall ensure the freedom of the search for, collection, dissemination of information about elections, candidates and impartial information coverage of elections in the mass information and telecommunications media.
2. The mass information and telecommunications media are called upon to keep the population informed about elections, nomination of candidates (list of candidates), their election programs (platforms), the progress of an election campaign, voting returns and election results operating within the framework of the constitution, laws, international obligations of the state.
3. In accordance with law members of the press representing mass information and telecommunications media may:
 - (a) attend meetings of election bodies to ensure publicity and openness of their activity;
 - (b) examine documents and materials of election bodies relating to voting returns or election results, make copies of such documents and materials or receive such copies from the election body, pass them on to the mass information and telecommunications media for publication;

- (c) attend public campaigning events and cover them in the mass media;
 - (d) be present at voting, vote counting, establishment of voting returns and election results.
4. Citizens, candidates, political parties (coalitions), which nominated a candidate and/or a list of candidates, other public associations, public organizations shall be guaranteed freedom of campaigning carried out in all forms allowed by law and by lawful methods, in the procedure and within periods established by laws, in the conditions of pluralism of opinions and absence of censorship.
 5. In accordance with the constitution, laws all candidates, political parties (coalitions) participating in elections, shall have an equal opportunity of access to the mass information and telecommunications media, including such access for presenting their election program (platform).
 6. In the course of election campaigning no abuse of the freedom of speech and freedom of mass information shall be allowed, including calls for a violent seizure of power, violent change of the constitutional system and violation of the territorial integrity of a state, warmongering, calls for terrorist or other violent acts inciting social, racial, national, ethnic, religious hatred and enmity.
 7. The mass information and telecommunication media of any one member state of this Convention shall not be used for participation in the campaigning when elections are held in the territory of another state.
 8. The list of violations of the conditions and procedure for campaigning carried out by candidates, political parties (coalitions) and infractions in the coverage of an election campaign by the mass media, which constitute grounds for bringing the violators to responsibility, shall be established by laws.

Article 14 Status and Powers of National Observers

1. Each candidate, each political party (coalition), other public associations (public organizations), each group of voters, other subjects of elections indicated in the constitution, laws may, in the procedure established by laws or by regulations of election bodies organizing the elections, appoint national observers who have the right to carry out observation on voting day, including the day of early voting, at polling stations.
2. The rights and obligations of national observers shall be defined by law.
3. National observers shall be granted the following rights:
 - (a) to examine election documents indicated in election laws; receive information about the number of voters on voter lists and the number of voters who took part in the voting, including early voting and voting outside the polling station;
 - (b) to be present at the polling station;
 - (c) to watch ballots being issued to voters;
 - (d) to be present at early voting, voting outside the polling station;

- (e) to watch vote counting under conditions in which the ballot counting procedure is observable;
 - (f) to watch an election body drawing up protocols of voting returns and election results and other documents; examine the protocol of voting returns drawn up by an election body, including the redrafted protocol; receive certified copies of the said protocols from the election body in cases and in the procedure provided by the national laws;
 - (g) to make proposals and comments to an election body concerning organization of voting;
 - (h) to appeal decisions and actions (omissions) of an election body and its members to the next higher election body or to a court.
4. In cases and in the procedure provided by laws the rights of a national observer may also be granted to agents of candidates, political parties (coalitions).
 5. Election bodies and/or other bodies and organizations may be authorized to organize education of national observers and other election participants in the fundamentals of democratic election technologies, national election laws, international election standards, assurance and protection of electoral rights and freedoms of a human being and citizen.

Article 15 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. They shall strive to promote access of international observers to electoral processes at levels lower than the national level, down to municipal (local) elections.
2. The activity of international observers shall be regulated by the laws of the country where they work, this Convention, other international documents.
3. International observers shall be granted visas to enter a state in the procedure established by law and, if they have an appropriate invitation, shall be accredited by the relevant election body. Invitations may be extended by bodies duly authorized to do so by law, after official publication of the decision to call the elections. Proposals to extend invitations may be made by the bodies of the Commonwealth of Independent States established under its Charter.
4. The central election body shall issue international observers with an accreditation card of an established form. Such card shall entitle an international observer to carry out observation during the period of preparation and conduct of elections.
5. In the territory of the state where they stay international observers shall be under the patronage of this state. Election bodies, bodies of state power, bodies of local self-government shall, within the scope of their competence, render them necessary assistance.

6. International observers shall carry on their activity by themselves and independently. The activity of international observers shall be technically and financially supported by the organization which sent them and/or at their own expense.
7. International observers shall not use their status to engage in any activity unrelated to monitoring of the election campaign. The Parties reserve the right to withdraw accreditation of international observers who violate laws, universally accepted principles and norms of international law.
8. International observers may:
 - (a) have access to all documents (except for documents which affect the interests of national security) regulating the electoral process; receive from election bodies necessary information and copies of the election documents indicated in national laws;
 - (b) establish contacts with political parties, coalitions, candidates, private persons, officials of election bodies;
 - (c) freely visit all election precincts and polling stations, including on voting day;
 - (d) observe the progress of voting, vote counting and determination of voting returns under conditions in which the ballot counting procedure is observable;
 - (e) acquaint themselves with the results of adjudication of complaints (applications) and grievances relating to violation of election laws;
 - (f) inform officials of election bodies about their observations and recommendations without interfering in the work of election bodies;
 - (g) publicize their opinion about the preparation and conduct of elections after the end of voting;
 - (h) present to election officials, bodies of state power and relevant officials their conclusions concerning the results of monitoring of the elections.
9. International observers shall:
 - (a) observe the constitution and laws of the country where they work, the provisions of this Convention and other international documents;
 - (b) carry the accreditation card of an international observer, issued in accordance with the procedure established by the country where they work, and produce it whenever requested by election officials;
 - (c) when performing their functions abide by such principles as political neutrality, impartiality, non-expression of any preferences or opinions with regard to election bodies, bodies of state power and other bodies, officials, participants in the electoral process;
 - (d) never interfere in the electoral process;
 - (e) base their conclusions and observations on factual material.

Article 16 Complaints About, and Responsibility for, Violation of Electoral Rights and Freedoms of Citizens

1. In the event of violation of the standards of democratic elections, electoral rights and freedoms of citizens, proclaimed in this Convention, and violation of election laws the injured person or persons shall have the right and possibility to complain about the violation to, and have the violated rights restored by, courts and, in cases and in the procedure provided by laws, election bodies.
2. Persons guilty of unlawful actions (omissions) shall bear responsibility in accordance with laws.

Article 17 Electoral Documentation

1. Ballots, other electoral documents, including documents of bodies of state power, bodies of local self-government, election bodies, relating to the conduct of elections shall be drawn up (published) in the official language of the state and official languages of the parts of the territory of the state where elections are held and, in the procedure established by law, in the languages of peoples and nationalities, national minorities and ethnic groups in the territories of their compact settlement.
2. Electoral documents used to determine voting returns and election results shall be treated as documents of strict accountability and their degree of protection shall be established by laws.

Article 18 Measures Not to Be Considered Discriminatory

1. The electoral rights and freedoms of a citizen set out above may be restricted by the constitution, laws without being considered discriminatory if they provide for:
 - (a) special measures taken to ensure an adequate representation of some part of a country's population, in particular national minorities and ethnic groups, which, owing to political, economic, religious, social, historical and cultural conditions, are unable to enjoy the political and electoral rights and freedoms on an equitable basis with the rest of the population.
 - (b) restriction of the right to elect and be elected in respect of citizens pronounced to be incapable by a court, persons kept in places of confinement under a court sentence;
2. Restrictions on nomination of candidates and lists of candidates, creation and activity of political parties (coalitions), electoral rights and freedoms of citizens may be imposed in the interests of protection of the constitutional system, national security, maintenance of public order, protection of public well-being and morals, civil rights and freedoms. Such restrictions shall conform to the international obligations of a state

3. In their wish to democratize the electoral process the Parties proceed from the fact that the existing restrictions on, or advantages with regard to, the realization of electoral rights and freedoms, which are provided by the constitution, laws and do not run counter to the international obligations of a state, shall be abolished as proper national conditions appear, so as to ensure that participants in the electoral process have equal legal conditions for participation in elections.

Article 19 Obligations of Member States of the Convention

1. The Parties shall take legislative and other measures to strengthen the guarantees of electoral rights and freedoms for the preparation and conduct of democratic elections and realization of the provisions of this Convention. The standards of democratic elections, electoral rights and freedoms, proclaimed in this Convention may be guaranteed through their inclusion in the constitution, legislative acts.
2. The Parties undertake:
 - (a) to guarantee protection of the democratic principles and norms of the election laws, the democratic nature of elections, free expression by citizens of their will in elections, reasonable requirements to declaring elections to have taken place and be valid and legitimate;
 - (b) to take the necessary measures to ensure that the entire election legislation should be adopted by the national legislative body and that the legal standards for the conduct of elections should not be established by the acts of the bodies of executive power;
 - (c) to strive to ensure that deputy mandates of the other chamber of the national legislative body should be, fully or partially, an object of free competition of candidates and/or lists of candidates in the course of the direct general elections, in the procedure established by laws;
 - (d) to work for the creation of a system of legal, organizational, informational, guarantees of the electoral rights and freedoms of citizens in the preparation and conduct of elections of all levels; take necessary legislative measures to guarantee women fair and real possibilities, equal to those of men, for exercising the right to elect and be elected to elective bodies and elective offices, both personally and as members of political parties (coalitions) in accordance with the conditions and procedures established by the constitution, laws; create additional guarantees and conditions for participation in elections of persons with physical infirmities (disabled persons, etc);
 - (e) to carry out registration of voters on the basis of a legislatively established non-discriminatory and effective procedure providing for such registration criteria as age, citizenship, residence, availability of the main document certifying the identity of a citizen;

- (f) to establish legislatively the responsibility of persons, 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;
- (g) to facilitate formation of political parties and their free legitimate activity; legislatively regulate funding of political parties and the electoral process; ensure that the law and the national policy should provide for separation of party and state and that election campaigns should be conducted in the atmosphere of freedom and honesty allowing parties 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;
- (h) to adopt measures guaranteeing impartial coverage of the election campaign by the mass media, including in the Internet, and making it impossible to erect legal and administrative barriers preventing political parties and candidates from gaining access to the mass media on a non-discriminatory basis; form a unified data bank of public polls connected with elections from which information must be available for examination or copying to participants in the electoral process and to international observers upon their request; introduce new information technologies, ensuring openness of elections and raising the trust of voters in voting returns and election results;
- (i) to adopt national programs of civic education and participate in drafting and adoption of similar international programs; make arrangements for acquainting citizens and other election participants with, and educating them in, electoral procedures and rules, for raising their legal culture and for improving professional qualifications of election officials;
- (j) to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and international obligations of the state;
- (k) to ensure that candidates, who polled the required number of votes established by law, could properly assume office and remain in office until the period of their powers expires or their powers are terminated in some other manner regulated by law;
- (l) to take legislative measures to regulate the list of violations of the electoral rights and freedoms of citizens, as well as the grounds and procedure for bringing to criminal, administrative and other responsibility the persons who use coercion, fraud, threats, forgery or other methods to prevent free exercise by a citizen of the right to elect and be elected, realization of other electoral rights and freedoms laid down by the constitutions and laws;

- (m) to facilitate, for the exchange of information and joint use, the creation of a unified data bank containing information about national election laws, participants in the electoral process (with due regard the confidential nature of personal data), law enforcement and judicial practices, legislative proposals for the improvement of the election system, as well as other information relating to the organization of the electoral process;
- (n) to promote cooperation between the election bodies of the member states of this Convention, including the creation and/or expansion of the powers of the existing inter-state associations of election bodies.

Article 20 Rights Granted Irrespective of this Convention

1. Nothing in this Convention shall prevent the states from the fulfillment of their international obligations relating to the electoral rights and freedoms of citizens assumed under international treaties and agreements to which they are a party.
2. The exercise of the rights set out in this Convention shall not be detrimental to the realization of universally accepted human rights and fundamental freedoms by all persons.
3. Nothing in this Convention may be construed as allowing any activity which runs counter to universally accepted human rights and fundamental freedoms by all persons the purposes and principles of the Charter of the Commonwealth of Independent States.

Article 21 Status of the International Electoral Council

The Parties recognize the need to establish an Inter-State Electoral Council on the basis of the election bodies of the member states of this Convention, which will be called upon to facilitate observation of elections in the member states of this Convention.

4.23.3 Convention on Ensuring the Rights of Persons Belonging to National Minorities (Moscow, 21 October 1994)³

Article 3.

1. Each Contracting Party guarantees for persons belonging to national minorities civil, political, social, economic, and cultural rights and freedoms in accordance with the universally recognized standards in human rights protection and according to the legislation of a Contracting Party.

Article 4.

1. Each Contracting Party recognizes the right of persons belonging to national minorities individually or in community with other members of his or her group

to freely express, preserve and develop own ethnic, language, cultural, or religious identity.

2. Contracting Parties undertake to consider legitimate interests of national minorities in their policy and to take necessary measures aiming at creation of favorable conditions for preservation and development of their ethnic, language, cultural, or religious identity. Such measures shall serve the interests of all society and should not result in infringements of the rights of other citizens of the Contracting Parties.

Article 5

1. Each Contracting Party undertakes to ensure for persons belonging to national minorities the right to take part in social and state life, especially in deciding upon the issues affecting the protection of their interests at regional level.
2. Each Contracting Party recognizes the right of persons belonging to national minorities to establish in accordance with domestic legislation various organizations (associations, community associations, etc.) of educational, cultural, and religious nature aiming at preservation and development of their ethnic, language, cultural, or religious identity.

The mentioned organizations shall have the same rights as granted to other similar organizations, particularly in respect of the enjoyment of public premises, radio broadcasting, telecasting, press, and other mass media.

4.23.4 Agreement on the Cooperation in Solving Problems of Disability and Persons with Disabilities (Moscow, 12 April 1996)⁴

Article 1

Being independent in the issues of formulation and realization of national policy on the problems of disability and persons with disabilities, State Parties consider it expedient to pursue a coordinated policy in the area of disability prevention, medico-social expertise, rehabilitation of persons with disabilities, and providing of conditions for adequate participation on equal footing with other citizens in the life of society.

1. Entry into force 11 August 1998.

2. Entry into force 11 November 2003.

3. Entry into force 10 January 1997. Unofficial translation, official text in Russian, see <http://cis.minsk.by/main.aspx?uid=9862>

4. Entry into force 24 February 1997. Unofficial translation, official text in Russian, see <http://cis.minsk.by/main.aspx?uid=8198>

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

	Human Rights Convention	Electoral Convention	Convention on Ensuring the Rights of Persons Belonging to National Minorities	Agreement on the Cooperation in Solving Problems of Disability and Persons with Disabilities
Armenia	S ¹	•	•	•
Azerbaijan			•	•
Belarus	•		•	•
Georgia	S ²	S ³	S ⁴	S ⁵
Kazakhstan			S ⁶	S ⁷
Kyrgyzstan	•	•	•	•
Republic of Moldova	S ⁸	•	S ⁹	•
Russian Federation	•	•	S ¹⁰	•
Tajikistan	•	•	•	•
Turkmenistan				
Ukraine		S ¹¹		S ¹²
Uzbekistan				

1. Signed 26 May 1995.
2. Signed 26 May 1995.
3. Signed 7 October 2002.
4. Signed 21 October 1994.
5. Signed 12 April 1996.
6. Signed 21 October 1994.
7. Signed 12 April 1996.
8. Signed 26 May 1995.
9. Signed 21 October 1994.
10. Signed 21 October 1994.
11. Signed 7 October 2002.
12. Signed 12 April 1996.

Table of contents

Political Commitments	204
<i>The Organization of the Islamic Conference (OIC)</i>	<i>204</i>
4.25 Cairo Declaration on Human Rights in Islam (1990)	204
<i>The Commonwealth</i>	<i>206</i>
4.26 The Harare Commonwealth Declaration (1991)	206
4.27 The Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice (1979).....	206
<i>The Organization for Security and Co-operation in Europe (OSCE)</i>	<i>207</i>
4.28 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE (1990)	207
4.29 Charter of Paris for a New Europe (1990).....	209
4.30 Document of the Moscow Meeting of the Conference on the Human Dimension of the OSCE (1991)	209
4.31 Istanbul Summit Declaration (1999)	210
4.32 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (2003)	211

Political Commitments

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); the Harare Commonwealth Declaration; and the OIC Cairo Declaration on Human Rights in Islam.

The Organization of the Islamic Conference (OIC)

The Organization 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 eradicating racial discrimination and colonialism.

4.25 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, under-

mine 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 and Rwanda, 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.

4.26 The 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.
 [...]

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

The Organization 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 OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) is located in Warsaw and is responsible for the promotion of human rights and democracy in the OSCE area. It 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.

4.28 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE (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 author-

ity 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;
- [...]

4.29 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, [...].

4.30 Document of the Moscow Meeting of the Conference on the Human Dimension of the OSCE (1991)

- (26) The participating States reaffirm the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.
- (26.1) They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The

public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.

- (26.2) The participating States will not discriminate against independent media with respect to affording access to information, material and facilities.
- (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;
[...]

4.31 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.
27. We commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy.
[...]

4.32 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (2003)

VI. Enhancing participation in public and political life

87. Participating States must be proactive in ensuring that Roma and Sinti people, like any other inhabitants, have all the necessary documents, including birth certificates, identity documents and health insurance certificates. In resolving problems related to the lack of basic documents, participating States are strongly advised to work in partnership with Roma and Sinti civil organizations.
[...]
89. Elected officials should establish close working relations with Roma and Sinti communities.
90. Establish mechanisms to ensure equal, direct and open communication between Roma and Sinti representatives and government authorities, including advisory and consultative bodies.
91. Facilitate interaction between political leaders at the local and national levels and diverse Roma groups.
92. Organize election-awareness campaigns so as to increase participation of the Roma electorate in elections.
93. Ensure that Roma voters can make free and informed choices in elections.
94. Take measures to guarantee the equal voting rights of women, including by enforcing prohibitions on so-called “family voting”.
95. Encourage Roma and Sinti people to engage more actively in public service, including, where necessary, through the introduction of special measures to promote their participation in the civil service.
96. Encourage the representation of Roma and Sinti people in elected and appointed office at all levels of government.
97. Empower and integrate Roma and Sinti individuals into decision-making processes of States and localities as elected representatives of their communities and as citizens of their respective countries.
98. Promote Roma women’s participation in public and political life; Roma women should be able to participate on an equal basis with men in consultative and other mechanisms designed to increase access to all areas of public and political life.

Table of contents

Other Initiatives	214
<i>The International Organisation of La Francophonie (IOF)</i>	<i>214</i>
4.33 Bamako declaration	215
<i>The Inter-Parliamentary Union (IPU)</i>	<i>218</i>
4.34 Declaration on Criteria for Free and Fair Elections (1994)	218
<i>The European Commission on Democracy through Law (Venice Commission)</i>	<i>222</i>
4.35 Guidelines on Elections (2002)	222
4.36 Guidelines on the Financing of Political Parties (2001)	230
4.37 Code of Good Practice in the field of Political Parties (2008).....	232
<i>Lund Recommendations</i>	<i>237</i>
4.38 Recommendations on Effective Participation of National Minorities in Public Life (1999).....	237
<i>Brookings-Bern Project on Internal Displacement</i>	<i>239</i>
4.39 The Guiding Principles on Internal Displacement (1998).....	239

Other Initiatives

Other initiatives referred to in this Guide 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 Guide, reference is made for example to the Guidelines on Elections (2002) by the Venice Commission.

The International Organisation of La Francophonie (IOF)

The International Organisation of La Francophonie (IOF), more commonly called La Francophonie, was founded in 1997 to function as an international link between countries which are French-speaking or in which the French language or the interest in the French language or culture is strong. It has 56 member states and governments all over the world. After private activities in the general area of francophonie that started at the end of the 19th century and in the first part of the 20th century, the official contacts between the states that were *francophone* deepened after the 1960s, and the first summit was organized in 1986. The Charter of La Francophonie was adopted in 1997 and revised in 2005. The objectives of the IOF are to assist in the establishment and development of democracy and in the prevention, management and resolution of conflicts, and in support for the rule of law and human rights. The IOF also wishes to intensify the dialogue between cultures and civilizations in order to bring people together through mutual knowledge, and to strengthen their solidarity through multilateral cooperation in order to promote the growth of their economies, the promotion of education and training. In the year 2000, La Francophonie adopted the Bamako Declaration concerning the principles of democracy.

4.33 Bamako declaration¹

Adopted at Bamako, on 3 November 2000.

(Adopted by Ministers and Heads of Delegations of States and Governments of countries using French as a common language, meeting in Bamako for the International Symposium on the Assessment of the Practices of Democracy, Rights and Freedoms in the Francophone Community)

II. We confirm our adhesion to the following fundamental principles:

[...]

3. Democracy demands, in particular, conducting, at regular intervals, free, reliable and transparent elections, based upon the respect and the unhindered and non-discriminatory exercise of the right to freedom and physical integrity of all voters and candidates, the right to freedom of opinion and expression, notably through the press and other means of communication, freedom of assembly and demonstration, and freedom of association;
4. Democracy is incompatible with any substantial modification to the electoral system which is introduced arbitrarily or surreptitiously, as a reasonable interval should always exist between the adoption of a modification and its implementation;
5. Democracy presupposes the existence of political parties with equal rights, free to organise and express themselves, insofar as their programme and actions do not challenge the fundamental values of democracy and human rights. Thus, democracy goes hand in hand with the multi-party system. It must provide the opposition parties with a clearly defined status, with no ostracism²;

[...]

III. We proclaim

[...]

2. That, for the Francophonie, there is no single way of organising democracy, and that, within the respect for universal principles, the forms through which democracy manifests itself must be in line with the specific historical, cultural, and social realities and characteristics of each nation;

[...]

5. That, in order to preserve democracy, the Francophonie condemns any *coup d'état* and any other conquest of power by violence, weapons or any other illegal means;

[...]

IV. We undertake the following commitments:

[...]

4. To implement the principle of transparency as the operational rule of institutions;

[...]

7. To endeavour to increase the national capabilities of all role players and structures involved in the electoral process, by emphasising the need to establish a national registry office and reliable electoral lists;

8. To ensure that the organisation of elections, from the preparatory operations and the electoral campaign up to the counting of votes and the proclamation of the results, including if need be any litigation, takes place in complete transparency under the remit of credible organs whose independence is recognised by all;

9. To guarantee the full participation of citizens in the voting process, as well as the equal treatment of candidates during all electoral operations;

10. To involve all legally constituted political parties, both from the majority and the opposition, in all stages of the electoral process, in respect for the democratic principles established by the basic texts and institutions, and to allow them to benefit from financing from the state's budget;

11. To take the necessary steps to move towards the national financing of elections, out of public funds;

12. To accept the results of free, reliable and transparent elections;

[...]

14. To make all political parties, both from the opposition and the majority, participate in national, regional and local political affairs, in accordance with the law, in order to settle peacefully conflicts of interests;

[...]

17. To acknowledge the role and facilitate the constant involvement of civil society, including NGOs, the media and traditional moral authorities, to allow them to fulfil their roles in a well-balanced political life, in the interest of all;

18. To see to the effective respect for the freedom of the press and to ensure impartial access of different political forces to the public and private media, both written and audiovisual, according to a control mechanism in accordance with democratic principles;

[...]

24. To take appropriate measures in order to accord members of minority groups, whether these be ethnic, philosophical, religious or linguistic, the freedom to practise a religion or not, the right to speak their own language and to practise their own culture;

25. To ensure that the dignity of immigrants is respected and that the relevant provisions contained in international instruments concerning them are applied.

[...] The Standing Committee may take some of the following measures:

[...]

- propose the suspension of the country concerned from the Francophonie. In the event of a military *coup d'état* against a regime resulting from democratic elections, suspension shall be a certainty.³

[...]

1. The English version of the Bamako Declaration is not an official translation from French, but is retrieved from the web-page of the Human Rights Centre of the University of Pretoria, South Africa, at www.chr.up.ac.za/hr_docs/african/docs/other/fphe1.doc (accessed on 4 May 2010). The original French version of the Bamako Declaration can be retrieved from http://www.francophonie.org/IMG/pdf/Declaration_Bamako.pdf (accessed on 4 May 2010).

2. Réserve du Vietnam et du Laos sur l'article 2(5). Motif: la démocratie et le multipartisme sont deux notions différentes et ne peuvent s'identifier. La démocratie est une finalité alors que le multipartisme n'est qu'un chemin. Le chemin pour y parvenir, décidé par chaque pays, doit être défini par son peuple en fonction de ses spécificités culturelles, historiques, économiques et sociales.

3. Réserve du Vietnam et du Laos sur l'article 5(3)

The Inter-Parliamentary Union (IPU)

The Inter-Parliamentary Union was established in 1889 and is the international organization 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.

4.34 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 accor-

dance 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.

4.35 Guidelines on Elections (2002)¹

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*

1.1 Rule and exceptions

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:

- a) 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).
- b) 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.
- c) 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.
- d) 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.

1.2 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.

1.3 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:

- 2.1. 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.
- 2.2. 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.

2.3. 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.

2.4. 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.

2.5. 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*

3.1. 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.

3.2. 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*

3.1. 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.

3.2. 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.

3.3. 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.

4.36 Guidelines on the Financing of Political Parties (2001)

The Venice Commission [...]

Has adopted the following guidelines:

1. For the purpose of these guidelines, a political party is an association of persons one of the aims of which is to participate in the management of public affairs by the presentation of candidates to free and democratic elections.
2. Such political parties may seek out and receive funds by means of public or private financing.

A. *Regular Financing*

a. Public Financing

3. Public financing must be aimed at each party represented in Parliament.
4. In order, however, to ensure the equality of opportunities for the different political forces, public financing could also be extended to political bodies representing a significant section of the electoral body and presenting candidates for election. The level of financing could be fixed by legislator on a periodic basis, according to objective criteria.

Tax exemptions can be granted for operations strictly connected to the parties' political activity.

5. The financing of political parties through public funds should be on condition that the accounts of political parties shall be subject to control by specific public organs (for example by a Court of Audit). States shall promote a policy of financial transparency of political parties that benefit from public financing.

b. Private Financing

6. Political parties may receive private financial donations. Donations from foreign States or enterprises must however be prohibited. This prohibition should not prevent financial donations from nationals living abroad.

Other limitations may also be envisaged. Such may consist notably of:

- a. a maximum level for each contribution;
 - b. a prohibition of contributions from enterprises of an industrial, or commercial nature or from religious organisations;
 - c. prior control of contributions by members of parties who wish to stand as candidates in elections by public organs specialised in electoral matters.
7. The transparency of private financing of each party should be guaranteed. In achieving this aim, each party should make public each year the annual accounts of the previous year, which should incorporate a list of all donations other than membership fees. All donations exceeding an amount fixed by the legislator must be recorded and made public.

B. *Electoral Campaigns*

8. In order to ensure equality of opportunities for the different political forces, electoral campaign expenses shall be limited to a ceiling, appropriate to the situation in the country and fixed in proportion to the number of voters concerned.
9. The State should participate in campaign expenses through funding equal to a certain percentage of the above ceiling or proportional to the number of votes obtained. This contribution may however be refused to parties who do not reach a certain threshold of votes.
10. Private contributions can be made for campaign expenses, but the total amount of such contributions should not exceed the stated ceiling. Contributions from foreign States or enterprises must be prohibited. This prohibition should not prevent financial contributions from nationals living abroad. Other limitations may also be envisaged. Such may consist notably of a prohibition of contributions from enterprises of an industrial or commercial nature or religious organisations.
11. Electoral campaign accounts will be submitted to the organ charged with supervising election procedures, for example, an election committee, within a reasonable time limit after the elections.
12. The transparency of electoral expenses should be achieved through the publication of campaign accounts.

C. *Control and sanctions*

13. Any irregularity in the financing of a political party shall entail sanctions proportionate to the severity of the offence that may consist of the loss of all or part of public financing for the following year.
14. Any irregularity in the financing of an electoral campaign shall entail, for the party or candidate at fault, sanctions proportionate to the severity of the offence that may consist of the loss or the total or partial reimbursement of the public contribution, the payment of a fine or another financial sanction or the annulment of the election.
15. The above-mentioned rules including the imposition of sanctions shall be enforced by the election judge (constitutional or other) in accordance with the law.

4.37 Code of Good Practice in the field of Political Parties (2008)

3. *Appointment of leaders and candidates for election*

35. Whether directly or indirectly, party leaders must be democratically chosen at any given level (local, regional, national and European). This means that members must be able to vote for their selection. Bottom-up practices for the selection of nominees and candidates are a healthy expression of internal democracy which is very positively perceived by citizens.
36. Equally, whether directly or indirectly, candidates must be democratically chosen for elections at any level (local, regional, national and European).
37. According to international regulation and practice, parties must comply with the principle of non discrimination on the basis of gender both for party office and election candidatures. Several national legislations and practices of several European parties have gone a step further to introduce quotas to either improve gender balance or, more directly, achieve equal representation of women and men in the elected body. Whilst these practices are country and party specific, the introduction of measures for gender equality is progressively becoming the dominant trend. On the contrary, continued and repeated situations of gender unequal representation cannot, by any means, be considered proof of good practice.

IV. *Funding*

38. Party funding must comply with the principles of accountability and transparency. The Venice Commission has extensively dealt with the issue of party financing in its Guidelines on financing of political parties.

1. *Sources*

39. A political party may ask its members to pay dues, the amount of which it is free to fix, although the latter must not be discriminatory in nature. Non payment of dues may constitute grounds for expulsion from the party.
40. A party may receive donations within the limits of domestic law, which may prohibit donations from certain sources. By no means may parties interpret private donations as granting any possibility to influence and/or alter the party programme and/or party policies. Parties must adhere to laws that require disclosing the origin of private donations to parties.
41. Where legislation foresees public funding, political parties must have access to it subject to possible minimum requirements. The latter must be reasonable and non-discriminatory. Apart from different forms of funding provided for by law, any party must refrain from receiving assistance, financial or in kind, from any public authorities, particularly those directed by its members.

2. *Restrictions*

42. No party may receive clandestine or fraudulently obtained financial aid.
43. For the purposes of financing electoral campaigns, parties must make sure that their candidates comply with current regulations, particularly where there is a ceiling on electoral expenditure.

3. *Supervisory mechanisms*

44. Every political party should include in its statutes mechanisms for audits of its accounts at the national level and for supervising accounting on any regional and local levels. It must also be subject to the State authorities' audit, especially in the field of financing.

V. *Political functions*

1. *Programme*

45. One of the most important functions of political parties is the elaboration of a programme which in best practice results from the internal debate of party members and its approval according to established procedures. Programmes lead party action when the party is in power.
46. Party programmes are not legally binding contracts, their enforcement can not be legally demanded and all European states rely on the principle of representative democracy, which excludes the imperative mandate.

Nevertheless, the programme provides guidelines for citizens to understand and identify the party policies on given issues. In this way, programmes do not only serve to enlighten citizens but they also reflect a sort of “soft contract” or moral commitment between parties and voters. Hence, the publication of the programme not only satisfies the principle of transparency but it also serves to further promote accountability. Moreover, its permanent availability, through the electoral mandate serves to check the adherence to the electoral promises.

47. A measure of good governance is if a party alters its programme after coming to power, it should explain why changes in the original programme have been introduced.

2. *Training*

48. Parties should provide civic and political training for their members. To that end, the party may set up a training institute, which may receive specific aid in addition to that earmarked for the party itself.

3. *Elections*

49. The Council of Europe Member States have different approaches to the regulation of political parties’ activities and their participation in political life, notably in elections. Specific issues related to participation of political parties were treated in the report of the Venice Commission on the participation of political parties in elections. In fact, political parties precisely aim to participate in the political process, mainly presenting candidates to elections. Of course, parties are important throughout the whole electoral process. But once the voters come directly into the scene, the fact of political representation loses part of its relevance. Once the elections have been held, and even during the election day, all the constitutional or legal rules (and, most particularly, those relating to the system of appeals and complaints) must provide for an equal treatment of all candidates and citizens.
50. It is widely acknowledged that the electoral system itself exercises an influence on the party’s internal structure. For example, a candidate-based first past the post electoral systems hardly requires any party involvement in other issues than candidate’s political backing and contribution to the campaign financing. On the contrary, in proportional systems with closed party lists, a party has very important prerogatives in defining, among other issues, the place of each given candidate on the list.

4. *Performance in office and opposition*

51. The general principles inspiring this Code apply also to performance in office and to situations where parties are in opposition.
52. Party members should clearly distinguish between their allegiance to the party and their office duties. Implementation of the party programme is inherent to the notion of democratic election, but this must always be framed within the existing legislation concerning the exercise of public offices. Normally, national regulations prohibit public officers from abusing or seeking advantage of their ruling position to create discriminatory conditions for other political forces. But even when these obligations are not explicitly spelt out, their respect is consistent with the principles of this Code and their breach may be considered illegal.
53. Normally, the legal requirements of the function of opposition is lower than that for government or even non-existent. Opposition function implies scrupulous control, scrutiny and checks on authorities and officials behaviour and policies. However, good governance advises that parties in opposition (as well as ruling parties) refrain from practices that may erode the democratic debate and which, could eventually undermine the trust of citizens in politicians and parties.
54. Political corruption is generally considered to be a type of crime by all European legislations. Parties must therefore aim to fight corruption not only because of its criminal dimension, but also because widespread political corruption erodes the trust of citizens in parties in general. This threatens the whole democratic process. Hence, mechanisms for the prevention of political corruption, such as ethical codes for party members in public offices, are welcome. Additionally, if the membership of a person who has been condemned on corruption charges is maintained, this will lead citizens to believe that the whole party is corrupt (and they may even extend this view to apply to all parties) and contributes to questioning the fairness of politics in general. Therefore, the exclusion from office of candidatures and from party membership of persons convicted for corruption is fully coherent with basic democratic principles.
55. Representative mandate makes a representative independent from his or her party once it has been elected. This allows him or her to change party once in office. In some specific cases, there may be reasons that justify this (for instance, disappearance of political parties). In other cases, however, these practices may respond mainly to personal private interests or are a result of corruption. These erode the party system and undermine the trust of citizens in the electoral and political game. Even when the legal rules protect representatives, parties should be vigilant that these

practices are not used in a fraudulent and counter-democratic way. Practices such as inter-party agreements to reject the inclusion of representatives elected on other party's lists have to be welcomed.

56. Parties should inform the civil society and voters about their action and adopt any possible measures and practices that would increase transparency, offer grounds for constructive criticism and provide a yardstick for measuring achievements.

1. See also "Code of Good Practice on Referendums", Committee of Ministers decision 27 November 2008.

Lund Recommendations¹

The Lund Recommendations on the Effective Participation of National Minorities in Public Life attempt to clarify in relatively straight-forward language and build upon the content of minority rights and other standards generally applicable in the situations in which the HCNM is involved. The standards have been interpreted specifically to ensure the coherence of their application in open and democratic States. The Recommendations are divided into four sub-headings which group the twenty-four recommendations into general principles, participation in decision-making, self-governance, and ways of guaranteeing such effective participation in public life. The basic conceptual division within the Lund Recommendations follows two prongs: participation in governance of the State as a whole, and self-governance over certain local or internal affairs.

4.38 Recommendations on Effective Participation of National Minorities in Public Life (1999)

B. Elections

- 7) Experience in Europe and elsewhere demonstrates the importance of the electoral process for facilitating the participation of minorities in the political sphere. States shall guarantee the right of persons belonging to national minorities to take part in the conduct of public affairs, including through the rights to vote and stand for office without discrimination.
- 8) The regulation of the formation and activity of political parties shall comply with the international law principle of freedom of association. This principle includes the freedom to establish political parties based on communal identities as well as those not identified exclusively with the interests of a specific community.
- 9) The electoral system should facilitate minority representation and influence.

Where minorities are concentrated territorially, single-member districts may provide sufficient minority representation.

Proportional representation systems, where a political party's share in the national vote is reflected in its share of the legislative seats, may assist in the representation of minorities.

Some forms of preference voting, where voters rank candidates in order of choice, may facilitate minority representation and promote inter-communal cooperation.

Lower numerical thresholds for representation in the legislature may enhance the inclusion of national minorities in governance.

- 10) The geographic boundaries of electoral districts should facilitate the equitable representation of national minorities.

1. The Lund Recommendations on the Effective Participation of National Minorities in Public Life — named after the Swedish city in which the experts last met and completed the recommendations. Among the experts were jurists specializing in relevant international law, political scientists specializing in constitutional orders and election systems, and sociologists specializing in minority issues. For further details, see http://www.osce.org/hcnm/item_11_31545.html

Brookings-Bern Project on Internal Displacement¹

4.39 The Guiding Principles on Internal Displacement² (1998)

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
 - (e) The right to communicate in a language they understand.

1. The Brookings Institution is a nonprofit public policy organization based in Washington, DC, USA. The Brookings Project since its inception has organized and supported the process by which the Guiding Principles on Internal Displacement were developed. The Representative of the Secretary General presented them to the UN Commission on Human Rights in 1998. For further information see <http://www.brookings.edu/projects/idp.aspx>

2. The 'Guiding Principles on Internal Displacement' were presented to the Commission on Human Rights in 1998 by the then Representative to the UN Secretary-General on internally displaced persons. In September 2005, the heads of state and governments assembled at the World Summit in New York recognized the Guiding Principles as "an important international framework for the protection of internally displaced persons." (G.A. Res. 60/L.1). The Guiding Principles are based on international humanitarian and human rights law and analogous refugee law. They are intended to serve as an international standard to guide governments, international organizations and all other relevant actors in providing assistance and protection to IDPs.

Table of contents

5. Matrix Indicating Membership of Universal and Regional Organisations.....	242
Africa	242
South America	245
North America.....	246
Asia	248
Australasia/Oceania.....	250
Europe	251

5. Matrix Indicating Membership of Universal and Regional Organisations¹

Africa

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Algeria	•	•					•	•					
Angola	•	•										•	
Benin	•	•	•					•					•
Botswana	•	•							•			•	
Burkina Faso	•	•	•					•					•
Burundi	•	•											•
Cameroon	•	•						•	•				•
Cape Verde	•	•	•										•
Central African Republic	•	•						[•] ²					•
Chad	•	•						•					•
Comoros	•	•					•	•					•
Congo	•	•											•
Côte d'Ivoire	•	•	•					•					•
Democratic Republic of the Congo	•	•										•	•

1. The names indicated in this matrix do not imply official endorsement or acceptance by the European Union. For up-dated information concerning membership in Universal and Regional Organisations, please check for addresses in annex 1.

2. The symbol [•] will be used to indicate observer or associated status of states in international organisations. The Central African Republic has observer status.

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Djibouti	•	•					•	•					•
Egypt	•	•					•	•					•
Equatorial Guinea	•	•											•
Eritrea	•	•											
Ethiopia	•	•											
Gabon	•	•						•					•
Gambia	•	•	•					•	•				
Ghana	•	•	•						•				
Guinea	•	•	•					•					•
Guinea-Bissau	•	•	•					•					•
Kenya	•	•							•				
Lesotho	•	•							•			•	
Liberia	•	•	•										
Libyan Arab Jamahiriya	•	•					•	•					•
Madagascar	•	•										• ³	•
Malawi	•	•							•			•	
Mali	•	•	•					•					•
Mauritania	•	•					•	•					•
Mauritius	•	•							•			•	•
Morocco	•						•	•					•
Mozambique	•	•						•	•			•	
Namibia	•	•							•			•	
Niger	•	•	•					•					•
Nigeria	•	•	•					•	•				
Rwanda	•	•							•				•

3. In an extraordinary summit of the SADC Madagascar was suspended from the bloc for an unconstitutional change of government, 31 March 2009.

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Sao Tome and Principe	•	•											•
Senegal	•	•	•					•					•
Seychelles	•	•							•			•	•
Sierra Leone	•	•	•					•	•				•
Somalia	•	•					•	•					
South Africa	•	•							•			•	
Sudan	•	•					•	•					
Swaziland	•	•							•			•	
Territory of Western Sahara		•											
Togo	•	•	•					•					•
Tunisia	•	•					•	•					•
Uganda	•	•						•	•				
United Republic of Tanzania	•	•							•			•	
Zambia	•	•							•			•	
Zimbabwe	•	•										•	

South America

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Argentina	•			•									
Bolivia	•			•									
Brazil	•			•									
Chile	•			•									
Colombia	•			•									
Ecuador	•			•									
Guyana	•			•				•	•				
Paraguay	•			•									
Peru	•			•									
Suriname	•			•				•					
Uruguay	•			•									
Venezuela	•			•									

North America

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Antigua and Barbuda	•			•					•				
Bahamas	•			•					•				
Barbados	•			•					•				
Belize	•			•					•				
Canada	•			•					•	•			•
Costa Rica	•			•									
Cuba	•			• ⁴									
Dominica	•			•					•				•
Dominican Republic	•			•									
El Salvador	•			•									
Grenada	•			•					•				
Guatemala	•			•									
Haiti	•			•									•
Honduras	•			• ⁵									
Jamaica	•			•					•				
Mexico	•			•									

4. On June 3, 2009, the Ministers of Foreign Affairs of the Americas adopted Resolution AG/RES.2438 (XXXIX-O/09) which resolves that the 1962 Resolution that excluded the Government of Cuba from its participation in the Inter-American system, ceases to have effect in the Organization of American States (OAS). The 2009 resolution states that the participation of the Republic of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS.

5. On July 5, 2009, the Organization of American States (OAS) invoked Article 21 of the Inter-American Democratic Charter, suspending Honduras from active participation in the hemispheric body. The unanimous decision was adopted as a result of the June 28 coup d'état that expelled President José Manuel Zelaya from office. Diplomatic initiatives are on-going to foster the restoration of democracy to Honduras.

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Nicaragua	•			•									
Panama	•			•									
Saint Kitts and Nevis	•			•					•				
Saint Lucia	•			•					•				
Saint Vincent and the Grenadines	•			•					•				
Trinidad and Tobago	•			•					•				
United States of America	•			•						•			

Asia

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
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	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Oman	•						•	•					
Pakistan	•							•	• ⁶				
Palestinian Authority of the West Bank and Gaza Strip	[•] ⁷						•	•					
Philippines	•												
Qatar	•						•	•					
Republic of Korea	•												
Saudi Arabia	•						•	•					
Singapore	•								•				
Sri Lanka	•								•				
Syrian Arab Republic	•						•	•					
Tajikistan	•					•		•		•			
Thailand	•							• ⁸					
Timor-Leste	•												
Turkmenistan	•					•		•		•			
United Arab Emirates	•						•	•					
Uzbekistan	•					•		•		•			
Viet Nam	•												•
Yemen	•						•	•					

6. Pakistan was not a member of the Commonwealth between 1972 and 1989, and was suspended from 1999 to 2004 and 2007 to 2008.

7. The Palestinian Authority of the West Bank and Gaza Strip is not a member state of the United Nations, but it has observer status.

8. Thailand has observer status.

Australasia/Oceania

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Australia	•								•				
Fiji	•								• ⁹				
Kiribati	•								•				
Marshall Islands	•												
Micronesia (Federated States of)	•												
Nauru	•								• ¹⁰				
New Zealand	•								•				
Palau	•												
Papua New Guinea	•								•				
Samoa	•								•				
Solomon Islands	•								•				
Tonga	•								•				
Tuvalu	•								•				
Vanuatu	•								•				

9. Following the decisions taken by the Commonwealth Ministerial Action Group on 31 July 2009, Fiji Islands was suspended from membership of the Commonwealth on 1 September 2009.

10. Nauru is a Special Member of the Commonwealth.

Europe

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Albania	•				•			•		•			•
Andorra	•				•					•			
Austria	•				•					•	•		
Belarus	•					•				•			
Belgium	•				•					•	•		• ¹¹
Bosnia and Herzegovina	•				•			[•] ¹²		•			
Bulgaria	•				•					•	•		•
Croatia	•				•					•			
Cyprus	•				•			[•] ¹³	•	•	•		
Czech Republic	•				•					•	•		
Denmark	•				•					•	•		
Estonia	•				•					•	•		
Finland	•				•					•	•		
France	•				•					•	•		•
Germany	•				•					•	•		
Greece	•				•					•	•		
Holy See	[•] ¹⁴									•			
Hungary	•				•					•	•		
Iceland	•				•					•			
Ireland	•				•					•	•		
Italy	•				•					•	•		
Latvia	•				•					•	•		
Liechtenstein	•				•					•			
Lithuania	•				•					•	•		
Luxembourg	•				•					•	•		•

11. French Community of Belgium.

12. Bosnia and Herzegovina has observer status.

13. The Turkish Cypriot State has observer status.

14. The Holy See has observer status.

	UN	AU	ECOWAS	OAS	CoE	CIS	LAS	OIC	Commonwealth	OSCE	EU	SADC	Francophonie
Malta	•				•				•	•	•		
Monaco	•				•					•			•
Montenegro	•				•					•			
Netherlands	•				•					•	•		
Norway	•				•					•			
Poland	•				•					•	•		
Portugal	•				•					•	•		
Republic of Moldova	•				•	•				•			•
Romania	•				•					•	•		•
Russian Federation	•				•	•		• ¹⁵		•			
San Marino	•				•					•			
Serbia	•				•					•			
Slovakia	•				•					•	•		
Slovenia	•				•					•	•		
Spain	•				•					•	•		
Sweden	•				•					•	•		
Switzerland	•				•					•			•
The former Yugoslav Republic of Macedonia	•				•					•			•
Turkey	•				•			•		•			
Ukraine	•				•	•				•			
United Kingdom of Great Britain and Northern Ireland	•				•				•	•	•		

15. The Russian Federation has observer status.

6. International Standards Commitments by Country

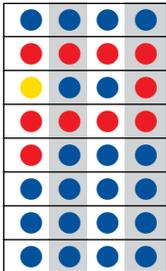
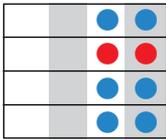
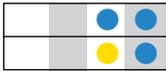
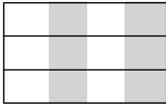
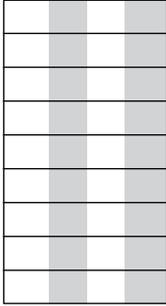
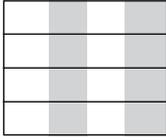
Legend

Universal Instruments

- Ratified
- Ratified with comment, see footnote in chapter 4
- Signed but not ratified, see footnote in chapter 4
- Not ratified

Regional Instruments

- Ratified
- Ratified with comment, see footnote in chapter 4
- Signed but not ratified, see footnote in chapter 4
- Not ratified



Viet Nam			
Yemen	█		
Zambia			
Zimbabwe	█		

Table of contents

7. International Standards by Area of Assessment	268
1. Political context	270
2. Legal Framework	271
2.1 Election-related legislation	271
2.2 Election system	273
3. Election Administration	274
3.1 The work of the Election Management Body (EMB)	274
3.2 Voter education	275
4. Voter registration	276
5. Political party and candidate registration	278
6. Election campaign	281
7. Media	283
8. Complaints and appeals	284
9. Human rights	286
10. Civil society	291
11. Voting and counting.....	293
12. Tabulation and publication of result and the post-election environment	296

7. International Standards by Area of Assessment

This chapter details key commitments under universal instruments, primarily the ICCPR and the UDHR, by area of electoral assessment. The following framework is used:

1. Political context
2. Legal framework
 - 2.1 Election-related legislation
 - 2.2 Election system
3. Election administration
 - 3.1 The work of the Election Management Body (EMB)
 - 3.2 Voter education
4. Voter registration
5. Political party and candidate registration
6. Election campaign
7. Media
8. Complaints and appeals
9. Human rights
10. Civil society
11. Voting and counting
12. Tabulation and publication of result and the post-election environment

Within each assessment area the following key types of text are given:

Treaty standard

Legally binding for a state that has ratified the treaty (e.g. ICCPR)

Treaty interpretation

General comments/recommendations by human rights treaty monitoring bodies (e.g. General Comment 25 gives authoritative interpretation of ICCPR Article 25).

Non-treaty standard

UDHR (strong moral commitment on all UN Member States)

UN General Assembly resolutions (persuasive on all UN Member States, particularly those that supported the resolution)

Political commitments (for States that sign up)

In addition to the universal commitments listed in the tables below, readers are encouraged to refer to regional instruments.

- Use the matrix in chapter 5 to see what universal and regional organisations the concerned State is a member of (and therefore what obligations the country has). Then look at chapter 6 to see what agreements it has signed up to. You can also check treaty databases online (listed in annex 1) to see if the country you are interested in has signed a treaty since this Compendium was published. Read the relevant parts of the applicable treaties.
- Chapter 8 contains a matrix that goes through the eight obligations contained in Article 25 of the ICCPR – periodic elections, genuine elections, the right to stand, universal suffrage, the right to vote, equal suffrage, secret vote, and free expression of the will of the electors. It also covers the fundamental freedoms necessary for elections (expression, assembly, association and movement) and the right to an effective remedy, which are detailed in other articles of the ICCPR. For each ICCPR obligation, you can find reference details for the obligation in other key documents and instruments. This is useful for providing full references, including to regional treaties and commitments.

1. Political context

Key universal treaty references

ICCPR Obligation

Free expression of the will of the electors.
(Article 25)

Periodic elections.
(Article 25)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 of the ICCPR that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power. (HRC GC 25 paragraph 7)

Genuine periodic elections are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. (HRC GC 25 paragraph 9)

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. (HRC GC 25 paragraph 9)

Key universal non-treaty references

UDHR

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections. (Article 21.3)

2. Legal Framework

2.1 Election-related legislation

Key universal treaty references

ICCPR Obligation

Right to participate, genuine elections:

Every citizen shall have the right [...] (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. (Article 25)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

In contrast with other rights and freedoms (which apply to all individuals within the territory and subject to the jurisdiction of the State), ICCPR Article 25 protects the rights of “every citizen”. (HRC GC 25 paragraph 3)

Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria and may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable. (HRC GC 25 paragraph 4)

Each State Party [to the ICCPR] undertakes to adopt such laws or other measures to give effect to the rights recognised in the Covenant. (ICCPR, article 2.2)

Participation through [elected] representatives is exercised through voting processes which must be established and guaranteed by laws that are in accordance with fundamental freedoms and political rights. (HRC GC 25 paragraph 8)

Freedoms of expression, assembly and association

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 19.2)

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of the right to peaceful assembly 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 21)

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. (Article 22.1)

Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. (HRC GC 25 paragraph 12)

Key universal *non-treaty* references

UDHR

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. (Article 21.3)

2.2 Election system

Key universal treaty references

ICCPR Obligation

Genuine elections:

Every citizen shall have the right [...] (b) To vote and to be elected at genuine periodic elections [...]

Equal suffrage:

Every citizen shall have the right [...] (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage [...]

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

Although the ICCPR 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. (HRC GC 25 paragraph 21)

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. (HRC GC 25 paragraph 21)

Key universal *non*-treaty references

UDHR

[...] 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. (Article 21.3)

3. Election Administration

3.1 The work of the Election Management Body (EMB)

Key universal treaty references

ICCPR Obligation

Genuine elections:
Every citizen shall have the right and opportunity [...] (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. (Article 25)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

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. (HRC GC 25 paragraph 20)

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. (HRC GC 25 paragraph 20)

Key universal *non*-treaty references

UDHR

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections. (Article 21.3)

UN General Assembly Resolution

[...] ensuring through legislation, institutions and mechanisms [...] the transparency and fairness of the electoral process. (UN General Assembly Resolution A/Res/55/96 article 1d,iv)

[...] improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials. (UN General Assembly Resolution A/Res/55/96 article 1f,i)

3.2 Voter education**Key universal treaty references****Treaty interpretation***ICCPR Obligation**ICCPR Interpretative Comment
(HRC General Comment 25)*

Genuine elections

Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community. (HRC GC 25 paragraph 11)

Information and materials about voting should be available in minority languages. (HRC GC 25 paragraph 12)

4. Voter registration

Key universal treaty references

ICCPR Obligation

Universal suffrage:
Every citizen shall have the right and the opportunity... without unreasonable restrictions: to vote [...] at genuine periodic elections which shall be by universal and equal suffrage (Article 25)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

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. (HRC GC 25 paragraphs 4 and 10)

States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. (HRC GC 25 paragraph 11)

In contrast with other rights and freedoms (which apply to all individuals within the territory and subject to the jurisdiction of the State), ICCPR Article 25 protects the rights of “every citizen”. (HRC GC 25 paragraph 3)

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. (HRC GC 25 paragraph 10)

The grounds for deprivation [of the right to vote] should be objective and reasonable. (HRC GC 25 paragraph 13)

Established mental incapacity may be a ground for denying a person the right to vote. (HRC GC 25 paragraph 4)

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. (HRC GC 25 paragraph 13)

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. (HRC GC 25 paragraph 11)

Key universal *non*-treaty references

UDHR

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. (Article 21.3)

5. Political party and candidate registration

Key universal treaty references

ICCPR Obligation

Right to stand:
Every citizen shall have the right and the opportunity [...] without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives. (Article 25)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

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. (HRC GC 25 paragraph 15)

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. (HRC GC 25 paragraph 17)

Established mental incapacity may be a ground for denying a person the right to hold office. (HRC GC 25 paragraph 4)

No person should suffer discrimination or disadvantage of any kind because of that person's candidacy. (HRC GC 25 paragraph 15)

Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. (HRC GC 25 paragraph 16)

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. (HRC GC 25 paragraph 17)

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 Article 25. (HRC GC 25 paragraph 16)

Freedoms of expression, assembly and association

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 19.2)

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of the right to peaceful assembly 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 21)

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. (Article 22.1)

No restrictions may be placed on the exercise of the right to freedom of association other than those which are prescribed by law and which are

The full enjoyment of rights protected by article 25 requires freedom to engage in political activity individually or through political parties and other organizations. (HRC GC 25 paragraph 25)

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. (HRC GC 25 paragraph 26)

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. 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 22.2)

Key universal *non-treaty* references

UDHR

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. (Article 20)

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (Article 21.1)

6. Election campaign

Key universal treaty references

ICCPR Obligation

Freedoms of expression, assembly, association and movement:

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 19.2)

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of the right to peaceful assembly 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 21)

Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. (Article 12.1)

Free expression of will of the electors. (Article 25)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

The full enjoyment of rights protected by article 25 requires 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. (HRC GC 25 paragraph 25)

Persons entitled to vote must be 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. (HRC GC 25 paragraph 19)

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. (HRC GC 25 paragraph 19)

Genuine elections. (Article 25)

Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community. (HRC GC 25 paragraph 11)

Key universal *non-treaty* references

UDHR

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 19)

Everyone has the right to freedom of peaceful assembly and association. (Article 20)

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (Article 21.1)

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. (Article 21.3)

7. Media

Key universal treaty references

ICCPR Obligation

Freedom of expression

The right to freedom of expression 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 19.2)

The exercise of the right [to freedom of expression] carries with it special duties and responsibilities. It may therefore be subject to certain restrictions but these shall only be such as are provided by law and are necessary (a) for respect of the rights or reputations of others (b) for the protection of national security or of public order or of public health or morals. (Article 19.3)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 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. (HRC GC 25 paragraph 25)

Certain restrictions on the right [to freedom of expression] are permitted which may relate to the interests of other persons or to those of the community as a whole. However, these restrictions may not put in jeopardy the right itself. (HRC General Comments Number 10 (1983) paragraph 4)

Key universal *non*-treaty references

UDHR

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 19)

8. Complaints and appeals

Key universal treaty references

Treaty interpretation

ICCPR Obligation

Right to an effective remedy

All persons whose rights or freedoms are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity. (Article 2.3.a)

Such a remedy shall [be] determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy. (Article 2.3.b)

The competent authorities shall enforce such remedies when granted. (Article 2.3.c)

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. (Article 9.1)

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. (Article 9.4)

ICCPR Interpretative Comment (HRC General Comment 25)

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. (HRC GC 25 paragraph 20)

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. (HRC GC 25 paragraph 11)

Key universal *non*-treaty references*UDHR*

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. (Article 8)

No one shall be subjected to arbitrary arrest, detention or exile. (Article 9)

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. (Article 10)

9. Human rights

Key universal treaty references

ICCPR Obligation

Non-discrimination

to respect and to ensure to all individuals [...] the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Article 2.1 a)

to ensure the equal right of men and women to the enjoyment of all civil and political rights. (Article 3)

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 shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Article 26)

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right [...] to use their own language. (Article 27)

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

No distinctions are permitted between citizens in the enjoyment of these [electoral] rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (HRC GC 25 paragraph 3)

Information and materials about voting should be available in minority languages. (HRC GC 25 paragraph 12)

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. (HRC GC 25 paragraph 21)

CERD Obligation

State Parties undertake [...] 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 (c) political rights, in particular the right to participate in elections [...] on the basis of universal and equal suffrage (d) other civil rights [including] (viii) the right to freedom of opinion and expression (ix) the right to freedom of peaceful assembly and association. (Article 5)

CEDAW Obligation

Temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory but shall in no way entail the maintenance of unequal or separate standards. (Article 4.1)

States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure 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

*CERD Interpretative Comment
(CERD Committee on ERD General
Recommendation 22)*

All such refugees and displaced persons have, after their return to their homes of origin, the right to participate fully and equally in public affairs at all levels and to have equal access to public services and to receive rehabilitation assistance.

*CEDAW Interpretative Comment
(CEDAW Committee General
Recommendation 23)*

Measures that should be identified, implemented and monitored for effectiveness include, under article 7, paragraph (a), those designed to: (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.

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. (Article 7)

CRPD Obligation

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to

this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels. (Article 29)

Key universal *non-treaty* references*UDHR*

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust non-self-governing or under any other limitation of sovereignty. (Article 2)

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. (Article 7)

10. Civil society

Key universal treaty references

ICCPR Obligation

Freedoms of expression, assembly and association

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 19.2)

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of the right to peaceful assembly 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 21)

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. (Article 22.1)

No restrictions may be placed on the exercise of the right to freedom of association other than those which are prescribed by law and which are necessary in a democratic society in the

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

Citizens take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association. (HRC GC 25 paragraph 8)

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. 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 22.2)

Genuine elections

There should be independent scrutiny of the voting and counting process [...] so that electors have confidence in the security of the ballot and the counting of the votes. (HRC GC 25 paragraph 20)

Key universal *non-treaty* references

UDHR

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. (Article 20)

11. Voting and counting

Key universal treaty references

Treaty interpretation

ICCPR Obligation

Every citizen shall have the right and opportunity [...] (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. (Article 25)

Right to vote

ICCPR Interpretative Comment (HRC General Comment 25)

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. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice. (HRC GC 25 paragraph 12)

Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees. (HRC GC 25 paragraph 20)

Secret ballot

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

	<p>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. (HRC GC 25 paragraph 20)</p>
<p>Genuine elections</p>	<p>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... Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice. (HRC GC 25 paragraph 12)</p> <p>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. (HRC GC 25 paragraph 20)</p>
<p>Free expression of will</p>	<p>Persons entitled to vote must be free to vote for any candidate for election 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. (HRC GC 25 paragraph 19)</p>

Key universal *non*-treaty references*UDHR*

[...] 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. (Article 21.3)

UN General Assembly Resolution

[...] ensuring through legislation, institutions and mechanisms [...] the transparency and fairness of the electoral process. (UN General Assembly Resolution A/Res/55/96 article 1d,iv)

[...] improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials. (UN General Assembly Resolution A/Res/55/96 article 1f,i)

12. Tabulation and publication of result and the post-election environment

Key universal treaty references

ICCPR Obligation

Free expression of will

Treaty interpretation

ICCPR Interpretative Comment (HRC General Comment 25)

The results of genuine elections should be respected and implemented. (HRC GC 25 paragraph 19)

The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents. (HRC GC 25 paragraph 20)

The grounds for the removal of elected office holders should be established by laws based on objective and reasonable criteria and incorporating fair procedures. (HRC GC 25 paragraph 16)

Key universal *non*-treaty references

UDHR

[...] genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. (Article 21.3)

UN General Assembly Resolution

[...] ensuring through legislation, institutions and mechanisms [...] the transparency and fairness of the electoral process. (UN General Assembly Resolution A/Res/55/96 article 1d,iv)

[...] improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials. (UN General Assembly Resolution A/Res/55/96 article 1f,i)

8. International Standards by Obligation

Universal Instruments.....	298
Regional Instruments	300
Political Commitments	305

	Periodic Elections (e.g. periodicity; procedures for calling; election monitoring bodies)	Genuine Elections (e.g. freedom of association, assembly and speech; campaign financing; equal access to media)	Stand for Election (e.g. nomination procedures; independent candidates; equal opportunities; no unreasonable restrictions)	Universal Suffrage (e.g. voter registration; identification; citizenship; no unreasonable restrictions)	Right to Vote (e.g. voter education; access to polling station; vote counted appropriate)	Equal Suffrage (e.g. equivalent weight; election boundaries; secure ballots)	Secret Vote (e.g. privacy; no intimidation)	Free Expression of the Will of the Electors (e.g. correct transmission of results; complaints process; elected into office; domestic and international)
UDHR (1948)	21(3), p. 44	19, p. 44 20, p. 44 21(3), p. 44	21(1), p. 44	21(3), p. 44	21(1), p. 44	21(3), p. 44	21(3), p. 44	
ICCPR (1966)	25(b), p. 46	19(2), p. 45 20(2), p. 45 21, p. 45 22, p. 45	25(e), p. 45 25(b), p. 46	25(b), p. 46	25(a), p. 45 25(b), p. 46	25(b), p. 46	25(b), p. 46	25(b), p. 46
ICERD (1966)		4, p. 50 5(d), p. 50	5(c), p. 50	5(c), p. 50	5(c), p. 50	5(c), p. 50		
CEDAW (1979)		4(1), p. 51 7(c), p. 51	7(a), p. 51		7(a), p. 51			
CPRW (1952)			1, p. 54 2, p. 54		1, p. 54			
ICRMW (1990)				41(1), p. 54		41(1), p. 54		
CRPD (2006)		21, p. 55 29(b), p. 56	29(a), p. 55 29(b), p. 56		29(a), p. 55 29(b), p. 56		29(a), p. 55	29(a), p. 55
C169 Indigenous People			6(b), p. 57		6(c), p. 57			
UNCAC		7(3), p. 57 7(4), p. 57	7(2), p. 57					
Elimination of all forms of Intolerance and of Discrimination Based on Religion or Belief (1981)		4(1), p. 74						

Rights of persons belonging to National or Ethnic Religious and Linguistic Minorities (1992)	2, p. 74	2, p. 74	2, p. 74	2, p. 74	2, p. 74	2, p. 74	2, p. 74
Elimination of Discrimination against Women (1967)	4, p. 74	4, p. 74	4, p. 74	4(a), p. 74 4(b), p. 74	4, p. 75	4, p. 75	4, p. 75
Rights of Disabled Persons (1975)	4, p. 75	4, p. 75	4, p. 75	4, p. 75	4, p. 75	4, p. 75	4, p. 75
Elimination of Racial Discrimination (1966)	6, p. 75	6, p. 75	6, p. 75	6, p. 75	6, p. 75	6, p. 75	6, p. 75
Vienna Declaration of Programme and Action (1993)	34, p. 75	8, p. 75 34, p. 75 67, p. 75	34, p. 75	34, p. 75	34, p. 75	34, p. 75	8, p. 75 67, p. 75-76
Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections (1991)	3, p. 76 6, p. 76	3, p. 76 6, p. 76	3, p. 76 6, p. 76	3, p. 76 6, p. 76	3, p. 76 6, p. 76	3, p. 76 6, p. 76	3, p. 76 6, p. 76
Promoting and Consolidating Democracy (2001)	1(d), p. 76-77	1(d), p. 76-77	1(a), p. 76-77	1(d), p. 76-77	1(d), p. 76-77	1(d), p. 76-77	1(d), p. 76-77
Respect for the Principle of National Sovereignty and Non-interference in the International Affairs of States in Electoral Process (2002)	2, p. 77 3, p. 77 7, p. 77	5, p. 77 7, p. 77	7, p. 77	7, p. 77	7, p. 77	7, p. 77	7, p. 77
Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms	2, p. 78 5, p. 78 9, p. 78	2, p. 78 5, p. 78 9, p. 78					
Basic Principles for the Treatment of Prisoners	Ref to UDHR and ICCPR	Ref to UDHR and ICCPR	Ref to UDHR and ICCPR	Ref to UDHR and ICCPR	Ref to UDHR and ICCPR	Ref to UDHR and ICCPR	Ref to UDHR and ICCPR
UN Millennium Declaration	25, p. 79	25, p. 79	25, p. 79	25, p. 79	25, p. 79	25, p. 79	25, p. 79

	Periodic Elections (e.g. periodicity; procedures for calling election monitoring bodies)	Genuine Elections (e.g. freedom of association, assembly and speech; campaign financing; equal access to media)	Stand for Election (e.g. nomination procedures; independent candidates; equal opportunities; no unreasonable restrictions)	Universal Suffrage (e.g. voter registration; identification; citizenship; no unreasonable restrictions)	Right to Vote (e.g. voter education; access to polling station; vote counted appropriate)	Equal Suffrage (e.g. equivalent weight; election boundaries; secure ballots)	Secret Vote (e.g. privacy; no intimidation)	Free Expression of the Will of the Electors (e.g. correct transmission of results; complaints process; elected office; domestic and international)
ACHPR (1981)		9, p. 86 10, p. 86 11, p. 86	13(1), p. 86		13, p. 86			
ACHPR-PW (2003)			9(1), p. 87 9(2), p. 87		9, p. 86-87			
African Charter on Democracy, Elections and Governance (2007)	17, p. 89-90	17, p. 89-90	3, p. 88 29, p. 90		3, p. 88 29, p. 90	3, p. 88		2, p. 87 3, p. 88 17, p. 89 32, p. 90
African Union Convention on Preventing and Combating Corruption		10, p. 91						
NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002)	7, p. 96 13, p. 96-97	7, p. 96 15, p. 97	11, p. 96 13, p. 96-97		13, p. 96-97			13, p. 96-97
Declaration on the Principles Governing Democratic Elections in Africa (2002)	II(2), p. 98 II(4a), p. 99 II(4e), p. 99 III(c), p. 99 IV(12), p. 100-101	Prea, P. 97-98 III(d), p. 99 III(g), p. 99 IV(3), p. 100 IV(4), p. 100 IV(5), p. 100 IV(8), p. 100 IV(10), p. 100 IV(11), p. 100 IV(12), p. 100-101	III(j), p. 100 IV(1), p. 100 IV(2), p. 100	III(b), p. 99 III(f), p. 100 IV(1), p. 100 IV(2), p. 100	III(e), p. 99 III(f), p. 100 IV(1), p. 100 IV(2), p. 100			Prea, P. 97-98 II(4a), p. 99

Protocol on Democracy and Good Governance, ECOWAS (2001)	2(2), p. 103 3, p. 103 6, p. 104	1(1), p. 103 10), p. 103 20, p. 104 22, p. 104	2(3), p. 103	4, p. 103 5, p. 104	2(5), p. 103			1(6), p. 102 6, p. 104 7, p. 104 8, p. 104 9, p. 104 10, p. 104
Declaration of Political Principles of the ECOWAS (1991)		4, p. 106						
SADC Protocol on Gender and Development		13(2), p. 107	13(11), p. 107	13(1), p. 107	13(1), p. 107			
SADC Protocol against Corruption		3, p. 107-108 4, p. 108-109						
SADC Principles and Guidelines Governing Democratic Elections	2,1,4 p. 112 7,9 p. 113	2,1,2 p. 112 2,1,5 p. 112 2,1,7 p. 112 7,4 p. 112 7,5 p. 112	2,1,6 p. 112 7,7 p. 112 7,8 p. 113	7,2 p. 112	2,1,6 p. 112 2,1,8 p. 112 7,9 p. 113			2,1,9 p. 112 2,1,10 p. 112
AmCPRW (1948)			1, p. 116		1, p. 116			
Inter-American Convention against Corruption		III p. 116-117 VI p. 117 XI p. 117-118						
Inter-American Democratic Charter (2001)	3, p. 122 23, p. 122	3, p. 122 5, p. 122	28, p. 123	3, p. 122	3, p. 122			3, p. 112
ECHR (1950)		10, p. 124 11, p. 124-125 16, p. 125						
ECHR-P1 (1952)	3, p. 125	3, p. 125						3, p. 125
ECHR Protocol No. 12								
FCPMM (1995)		7, p. 126 9(1), p. 126	4, p. 125					4, p. 125 15, p. 125
ECLSG (1985)				3(2), p. 126	3(2), p. 126			3(2), p. 126

	Periodic Elections (e.g. periodicity; procedures for calling election monitoring bodies)	Genuine Elections (e.g. freedom of association, assembly and speech; campaign financing; equal access to media)	Stand for Election (e.g. nomination procedures; independent candidates; equal opportunities; no unreasonable restrictions)	Universal Suffrage (e.g. voter registration; identification; citizenship; no unreasonable restrictions)	Right to Vote (e.g. voter education; access to polling station; vote counted appropriate)	Equal Suffrage (e.g. equivalent weight; election boundaries; secure ballots)	Secret Vote (e.g. privacy; no intimidation)	Free Expression of the Will of the Electors (e.g. correct transmission of results; complaints process; elected office; domestic and international)
Additional Protocol to ECLSG (2009)	2(2), p. 127-128	5.3, p. 127	4.1, p. 127 5.1, p. 127		4.1, p. 127 5.1, p. 127			
CPFPL (1992)		3(a), p. 128 3(b), p. 128	6(1), p. 128 6(2), p. 128 7, p. 12		6(1), p. 128			
Convention on Access to Official Documents (2009)		2, p. 129-130 10, p. 130-131						
Criminal Law Convention on Corruption (1999)		2, p. 131 3, p. 131 4, p. 131						
Recommendation on the Electoral, Civil and Social Rights of Prisoners (1962)		B(6), p. 136	A, p. 136	A, p. 136	A, p. 136 B(5), p. 136			A, p. 136
Recommendation on Measures Concerning Media Coverage of Election Campaign (1999)		I, p. 137-139 II, p. 139-140						
Recommendation on Legal, Operational and Technical Standards for E-voting (2004)			App. I, B(II), p. 144 App. I (III), p. 145-146	App. I, A(I), p. 142 App. I, B(II), p. 144 App. II (I), p. 145 App. III, D(II), p. 150	App. I, A(II), p. 142 App. II (IV), p. 145-146	App. I, A(IV), p. 143	App. I, A(III), p. 142-143 App. II, V, p. 146-147	

Recommendation No. 4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (2003)	1, p. 152-153 2, p. 153 8, p. 154 9, p. 154 12, p. 154 13, p. 154 14, p. 154								
Charter of Fundamental Rights of the EU	11(0), p. 156 12(1), p. 156	11, p. 159	39(1), p. 156 40, p. 156	39(2), p. 156	39(1), p. 156 40, p. 156	39(2), p. 156			
Act Concerning the Election of the Members of the European Parliament by Direct Universal Suffrage			7, p. 158	1(3), p. 157	9, p. 159	1(3), p. 157 2, p. 157 3, p. 157	1(3), p. 157		
The right to vote and stand as a candidate in elections to the European Parliament			3, p. 162 4, p. 162 5, p. 162 6, p. 163 II, p. 164-165		1, p. 161 3, p. 162 4, p. 162 7, p. 163 II, p. 164-165				
Council Directive on the Right to Vote and to Stand as a Candidate in Municipal Elections			II, p. 171-173 3, p. 169 4, p. 169 5, p. 170		II, p. 171-173 3, p. 169 4, p. 169				
Regulation Governing Political Parties at European Level and the Rules Regarding their Funding	6, p. 174-175 7, p. 175 8, p. 176								
Arab Charter of Human Rights (2004)	24, p. 180 32, p. 180-181		24,3, p. 180		24,3, p. 180				
Human Rights Convention (1995), CIS	11, p. 183 12, p. 183-184		29(a), p. 184 29(b), p. 184	29(a), p. 184 30, p. 184	29(a), p. 184 29(b), p. 184				

Periodic Elections (e.g. periodicity; procedures for calling election monitoring bodies)	Genuine Elections (e.g. freedom of association, assembly and speech; campaign financing; equal access to media)	Stand for Election (e.g. nomination procedures; independent candidates; equal opportunities; no unreasonable restrictions)	Universal Suffrage (e.g. voter registration; identification; citizenship; no unreasonable restrictions)	Right to Vote (e.g. voter education; access to polling station; vote counted appropriate)	Equal Suffrage (e.g. equivalent weight; election boundaries; secure ballots)	Secret Vote (e.g. privacy; no intimidation)	Free Expression of the Will of the Electors (e.g. correct transmission of results; complaints process; elected office; domestic and international)
<p>Electoral Convention (2002), CIS</p> <p>1(2), p. 185 1(4), p. 186 6, p. 188 7(1), p. 189 7(2), p. 189 7(3), p. 189 7(4), p. 189 9(5), p. 190 10(2e), p. 191 11, p. 191-192 17, p. 197 19, p. 198-200</p>	<p>2, p. 186-187 9(1), p. 190 9(2), p. 190 9(3), p. 190 9(4), p. 190 9(5), p. 190 10(2b), p. 191 10(2c), p. 191 12, p. 192-193 13, p. 193-194 18(2), p. 197-198 19, p. 198-200</p>	<p>1(2), p. 185 1(3), p. 185-186 2, p. 186-187 3(fb), p. 187 3(4), p. 187 3(5), p. 187 3(6), p. 187 9(6), p. 190 10(3), p. 191 18(1a), p. 197 18(1b), p. 197 18(2), p. 197 19, p. 198-200</p>	<p>1(2), p. 185 1(3), p. 185-186 1(7), p. 186 2, p. 186-187 10(2a), p. 191 19, p. 198-200</p>	<p>1(2), p. 185 1(3), p. 185-186 2, p. 187-188 3(2), p. 187 3(3), p. 187 10(2f), p. 191 18(fb), p. 197 19, p. 198-200</p>	<p>1(2), p. 185 3, p. 187 4, p. 187-188 5(4), p. 188 10(2a), p. 191 19, p. 198-200</p>	<p>1(2), p. 185 5, p. 188 8, p. 189</p>	<p>1(2), p. 185 1(5), p. 186 1(6), p. 186 4, p. 187-188 7(5), p. 189 8, p. 189 9(7), p. 190 9(8), p. 190 10(2d), p. 191 10(2f), p. 191 14, p. 194-195 15, p. 195-196 16, p. 197 18(3), p. 198 19, p. 198-200 21, p. 200</p>
<p>Convention on Ensuring the Rights of Persons Belonging to National Minorities</p>	<p>5, p. 201</p>	<p>5, p. 201</p>	<p>5, p. 201</p>	<p>5, p. 201</p>			
<p>Agreement on the Cooperation in Solving Problems of Disability and Persons with Disabilities</p>	<p>1, p. 201</p>	<p>1, p. 201</p>		<p>1, p. 201</p>			

Table of contents

Annex 1. List of Useful Websites	308
Annex 2. List of Abbreviations	323

Annex 1. List of Useful Websites

International and Regional Organisations

<i>Organization</i>	
UN	http://www.un.org/
AU	http://www.africa-union.org/root/au/memberstates/map.htm
ECOWAS	http://www.comm.ecowas.int/sec/index.php?id=member&lang=en
SADC	http://www.sadc.int/
OAS	http://www.oas.org/en/about/member_states.asp
CoE	http://www.coe.int/
CIS	http://www.cisstat.com/eng/cis.htm http://www.cis.minsk.by/main.aspx?uid=74
LAS	http://www.al-bab.com/Arab/docs/league.htm http://www.arableagueonline.org/las/index.jsp (Arabic)
OIC	http://www.oic-oci.org/member_states.asp
Commonwealth	http://www.thecommonwealth.org/
OSCE	http://www.osce.org/
EU	http://europa.eu/
IOF	http://www.francophonie.org/
IPU	http://www.ipu.org/english/home.htm
Venice Commission	http://www.venice.coe.int/site/main/Presentation_E.asp
Brookings	http://www.brookings.edu/

United Nations

UN Treaty Collection	http://treaties.un.org/Home.aspx
UN (Human Rights)	http://www.un.org/en/rights/
UN (International law)	http://www.un.org/en/law/
UN (General)	http://www.un.org/en/documents/index.shtml
Office of the United Nations High Commissioner for Human Rights	http://www2.ohchr.org/english/law/
UN Electoral Assistance Division	http://www.un.org/depts/dpa/ead/overview.html
	http://www.un.org/depts/dpa/ead/ga_resolutions.html

Treaties, Conventions and Declarations

<i>Declaration</i>	
UDHR	http://www.un.org/en/documents/udhr/
<i>Treaty/Convention</i>	
ICCPR	http://www2.ohchr.org/english/law/ccpr.htm
ICERD	http://www2.ohchr.org/english/law/icerd.htm
CEDAW	http://www2.ohchr.org/english/law/cedaw.htm
CPRW	http://www.un-documents.net/cprw.htm
ICRMW	http://www2.ohchr.org/english/law/cmw.htm
CRPD	http://www2.ohchr.org/english/law/disabilities-convention.htm
UNCAC	http://www.unodc.org/unodc/en/treaties/CAC/index.html

C169 / Indigenous people	http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169
<i>Status of Treaties</i>	
	http://treaties.un.org/Pages/Home.aspx?lang=en
	http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en
	http://treaties.un.org/Pages/Treaties.aspx?id=16&subid=A&lang=en

UN - Non-treaty Standards

<i>General Assembly resolutions</i>	
	http://www.un.org/documents/resga.htm

UN - Monitoring Bodies of Treaties/Conventions

<i>Treaty / Convention</i>	<i>Monitoring body</i>	
General Overview		http://www2.ohchr.org/english/law/
ICCPR	Office of the High Commissioner for Human Rights	http://www2.ohchr.org/english/bodies/hrc/index.htm
ICERD	Committee on the Elimination of Racial Discrimination	http://www2.ohchr.org/english/bodies/cedr/index.htm
CEDAW	Office of the High Commissioner for Human Rights	http://www2.ohchr.org/english/bodies/hrc/index.htm
ICRMW	Committee on Migrant Workers	http://www.un.org/womenwatch/daw/cedaw/
CRPD	Committee on the Rights of Persons with Disabilities	http://www2.ohchr.org/english/bodies/cmw/index.htm
		http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx

UNCAC	Conference of the States Parties to the United Nations Convention against Corruption - (CAC/COSP)	http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP.html
C169 / Indigenous people		Supervision of the convention: http://www.ilo.org/indigenous/Conventions/Supervision/lang--en/index.htm

African Union

AU Treaties, Conventions and Declarations

<i>Treaty/Convention</i>		
General information		http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm
ACHPR		http://www.africa-union.org/root/au/Documents/Treaties/Text/Banjul%20Charter.pdf
ACHPR-PW		http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol%20on%20the%20Rights%20of%20Women.pdf
African Charter on Democracy, Elections and Governance		http://www.africa-union.org/root/au/Documents/Treaties/text/Charter%20on%20Democracy.pdf
AU Convention on Preventing and Combating Corruption		http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention%20on%20Combating%20Corruption.pdf

<i>Status of Treaties</i>	
ACHPR	http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf
ACHPR-W	http://www.africa-union.org/root/au/Documents/Treaties/List/Protocol%20on%20the%20African%20Court%20on%20Human%20and%20Peoples%20Rights.pdf
African charter on Democracy, Elections and Governance	http://www.africa-union.org/root/au/Documents/Treaties/list/Charter_on_Democracy_and_Governance.pdf
African Union Convention on Preventing and Combating Corruption	http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf
<i>Non-treaty standards</i>	
NEPAD declaration on Democracy, Political, Economic [...]	http://www.nepad.org/2005/files/documents/2.pdf
Declaration on the principles governing democratic elections	http://www.pogar.org/publications/other/elections/declaration-africa-02.pdf

ECOWAS

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
Protocol A/SP1/12/01 on Democracy and Good Governance	http://www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf
<i>Status of Treaties</i>	
Protocol A/SP1/12/01 on Democracy and Good Governance	Status of the treaty is not available on the web
<i>Non-treaty standards</i>	
Declaration A/DCL.1/7/91 of Political Principles of the Economic Community of West African States	http://www2.ohchr.org/english/law/compilation_democracy/ecowasdec.htm

SADC

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
SADC protocol on gender and development (2008)	http://www.sadc.int/index/browse/page/465
SADC protocol against corruption (2005)	http://www.sadc.int/index/browse/page/122
<i>Status of Treaty</i>	
SADC protocol on gender and development (2008)	http://www.safajds.net/?q=node/587
SADC protocol against corruption (2005)	http://www.transparency.org/global_priorities/international_conventions/conventions_instruments/sadc_protocol (not a SADC official site)
<i>Non-treaty Standards</i>	
SADC principles and guidelines governing democratic elections (2004)	http://www.sadc.int/index/browse/page/117

OAS

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
General information	http://www.oas.org/dil/treaties.htm
American Convention on Human Rights	http://www.oas.org/juridico/English/treaties/b-32.html
Inter-American Convention on the Granting of Political Rights to Women	http://www.oas.org/juridico/english/treaties/a-44.html
Inter-American Convention against Corruption	http://www.oas.org/juridico/english/Treaties/b-58.html
<i>Status of Treaties</i>	
American Convention on Human Rights	http://www.oas.org/juridico/english/Sigs/b-32.html
Inter-American Convention on the Granting of Political Rights to Women	http://www.oas.org/juridico/english/sigs/a-44.html
Inter-American Convention against Corruption	http://www.oas.org/juridico/english/Sigs/b-58.html
<i>Non-treaty standards</i>	
American Declaration of the Rights and Duties of Man	http://www.hrcr.org/docs/OAS_Declaration/oasrights.html
Inter-American Democratic Charter	http://www.oas.org/charter/docs/resolution1_en_p4.htm

The Council of Europe

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
General information	http://conventions.coe.int/Default.asp
Convention for the protection of human rights and fundamental freedoms, (ECHR), 1950	http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG
Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms	http://conventions.coe.int/Treaty/en/Treaties/Htm/005.htm
Framework Convention for the Protection of National Minorities	http://conventions.coe.int/Treaty/en/Treaties/Htm/157.htm
European Charter of Local Self-Government	http://conventions.coe.int/Treaty/en/Treaties/Htm/122.htm
Convention on the Participation of Foreigners in Public Life at Local Level	http://conventions.coe.int/Treaty/en/Treaties/Htm/144.htm
Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	http://conventions.coe.int/Treaty/en/Treaties/Htm/177.htm
Additional protocol to the Charter of Local Self-Government on the right to participate in the affairs of a local authority	http://conventions.coe.int/Treaty/EN/Treaties/Htm/207.htm
Council of Europe Convention on Access to Official Documents	http://conventions.coe.int/Treaty/EN/Treaties/Htm/205.htm
Criminal Law Convention on Corruption	http://conventions.coe.int/Treaty/en/Treaties/Htm/173.htm

<i>Status of Treaties</i>	
For all CoE treaties	http://conventions.coe.int/Treaty/Commun/ListeTraitres.asp?CM=8&CL=ENG
<i>Non-treaty standards</i>	
General information	http://www.coe.int/t/cm/adoptedTexts_en.asp#P47_2021
Electoral, civil and social rights of prisoners - Recommendation 195	https://wcd.coe.int/ViewDoc.jsp?id=629169&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864
Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns	https://wcd.coe.int/ViewDoc.jsp?id=1209259&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864
Recommendation Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting	https://wcd.coe.int/ViewDoc.jsp?id=778189
Recommendation No. R (2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns	https://wcd.coe.int/ViewDoc.jsp?id=12077&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864

European Union

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
General information	http://europa.eu/legislation_summaries/human_rights/index_en.htm (human rights) http://europa.eu/legislation_summaries/index_en.htm (all areas)
Charter of fundamental rights of the European Union (2000)	http://www.europarl.europa.eu/charter/pdf/text_en.pdf
Regulation governing political parties at European level and the rules regarding their funding (2003)	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2003R2004:20071227:EN:PDF
Act concerning the election of the Members of the European Parliament by direct universal suffrage	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1976X1008:20020923:EN:PDF
Council directive 93/109/EC of 6 December 1993	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993L0109:EN:HTML
Council Directive 94/80/EC of 19 December 1994	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1994L0080:20070101:EN:PDF

<i>Non-treaty Standards</i>	
General information	http://eur-lex.europa.eu/en/index.htm
Commission Communication on Election Assistance and Observation (2000)	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52000DC0191:EN:NOT
Communication from the Commission to the Council and European Parliament – The European Union's role in promoting human rights and democratisation in third countries (2001)	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0252:FIN:EN:PDF
Cotonou agreement (between EU and ACP partner countries), (2000)	http://ec.europa.eu/development/geographical/cotonouintro_en.cfm (general about the Cotonou agreement) http://ec.europa.eu/development/center/repository/Cotonou_EN_2006_en.pdf (full text)

The League of Arab States

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
Arab Charter on Human Rights (2004)	http://www.arableagueonline.org/las/index.jsp (Arabic) http://www.arableagueonline.org/las/index_en.jsp (English under construction 19.05.2010)
<i>Status of Treaties/Conventions</i>	
Arab Charter on Human Rights (2004)	http://www.arableagueonline.org/las/index.jsp (Arabic) http://www.arableagueonline.org/las/index_en.jsp (English under construction 19.05.2010)

The Commonwealth of Independent States

Treaties, Conventions and Declarations

<i>Treaty/Convention</i>	
General information	http://www.cis.minsk.by/main.aspx?uid=74
Convention of the Commonwealth of Independent States on human rights and fundamental freedoms	http://hei.unige.ch/~clepham/hrdoc/docs/CIS%20convention.doc
Convention on Standards of Democratic Election, Voting Rights and Freedoms in the Member States of the Commonwealth of Independent States	http://www.venice.coe.int/docs/2006/CDL-EL(2006)031rev-e.pdf
Convention on ensuring the rights of persons belonging to national minorities	http://cis.minsk.by/main.aspx?uid=9862 (in Russian) Unofficial translation in the Compendium
Agreement on the cooperation in solving problems of disability and persons with disabilities	http://cis.minsk.by/main.aspx?uid=8198 (in Russian) Unofficial translation in the Compendium
<i>Status of Treaties</i>	
General information	http://www.cis.minsk.by/main.aspx?uid=74

The Organization of the Islamic Conference

<i>Political commitments</i>	
Cairo Declaration on Human Rights in Islam	http://www.religlaw.org/interdocs/docs/cairohrislam1990.htm

The Commonwealth

<i>Political commitments</i>	
General information	http://www.thecommonwealth.org/document/181889/34293/35468/declarations/page/
The Harare Commonwealth declaration, 1991	http://www.thecommonwealth.org/document/181889/34293/35468/35773/harare.htm
The Lusaka declaration on racism and racial prejudice, 1979	http://www.thecommonwealth.org/document/181889/34293/35468/35776/lusaka.htm

The Organization of Security and Co-operation Europe

<i>Political commitments</i>	
General information	http://www.osce.org/documents/ http://www.osce.org/documents/chronological.php
Copenhagen meeting of the conference on the Human dimension of the CSCE, 1990	http://www.osce.org/documents/odhr/1990/06/13992_en.pdf
Charter of Paris for a new Europe	http://www.osce.org/documents/mcs/1990/11/4045_en.pdf
Moscow meeting of the conference on the human dimension of the CSCE	http://www.osce.org/documents/odhr/1991/10/13995_en.pdf
Istanbul summit declaration	http://www.osce.org/documents/mcs/1999/11/4050_en.pdf
Action plan on improving the situation of Roma and Sinti within the OSCE area	http://www.osce.org/documents/odhr/2003/11/1751_en.pdf

The Inter-Parliamentary Union

<i>Other Initiative</i>	
Declaration on Criteria for free and fair elections (1994)	http://www.ipu.org/cnl-e/154-free.htm

The Venice Commission

<i>Other Initiative</i>	
General information	http://www.venice.coe.int/site/main/Elections_Referendums_E.asp#Code%20of%20good%20practice%20in%20electoral%20matters
Guidelines on Elections (2002)	http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf
Guidelines on the financing of political parties	http://www.venice.coe.int/docs/2001/CDL-INF(2001)008-e.pdf
Code of good practice in the field of political parties	http://www.venice.coe.int/docs/2009/CDL-AD(2009)002-e.pdf

The Lund Recommendations

<i>Other Initiative</i>	
The Lund Recommendations	http://www.osce.org/hcnm/item_11_31545.html

Brookings-Bern Project on Internal Displacement

<i>Other Initiative</i>	
The Guiding Principles on Internal Displacement	http://www.brookings.edu/projects/idp.aspx

Annex 2. List of abbreviations

ACHPR	African Charter on Human and Peoples' Rights
ACHPR-PW	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
ACP	African, Caribbean and Pacific States
Afr.Comm.HPR	African Commission on Human and Peoples' Rights
AmCHR	American Convention on Human Rights
AmCPRW	Inter-American Convention on the Granting of Political Rights to Women
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIS	Commonwealth of Independent States
CoE	Council of Europe
Comm.	Communication
CPFPL	Convention on the Participation of Foreigners in Public Life at Local Level
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)
ECHR-P1	First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms
ECLSG	European Charter of Local Self-Government
ECommHR	European Commission of Human Rights
ECOWAS	Economic Community of West African States
ECtHR	European Court of Human Rights
EOM	Election Observation Mission
EU	European Union
FCPNM	Framework Convention for the Protection of National Minorities
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IPU	Inter-Parliamentary Union
LAS	League of Arab States
MWC	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
NEEDS	Network of Europeans for Electoral and Democracy Support
NEPAD	New Partnership for Africa's Development
OAS	Organization of American States
OAU	Organisation of African Unity
OIC	Organization of the Islamic Conference
OSCE	Organization for Security and Cooperation in Europe
SADC	Southern African Development Community
UDHR	Universal Declaration on Human Rights
UN	United Nations

Acknowledgements

Research and management of the third edition of this text was undertaken and overseen by Anders Eriksson. Professor Markku Suksi of Åbo Akademi University revised key chapters and reviewed all updates for the third edition. Hannah Roberts also prepared a new chapter on how to use international standards in practice and expanded the section on standards by area of assessment. This third edition builds on the considerable work undertaken to produce the first and second editions. These were primarily prepared by Professor Markku Suksi, with Annika Tahvanainen tirelessly researching and checking detail. Additional input to the first and second editions was provided by Anders Eriksson, Richard Chambers and Hannah Roberts, with editing undertaken by Anders Eriksson and Mark Stevens. The design work has been undertaken by Micael Fröjdlund.

The Network of Europeans for Electoral and Democracy Support



The Network of Europeans for Electoral and Democracy Support (NEEDS) brings together some of the leading European organisations and individuals involved in the field of democratisation and election observation. The aim of NEEDS is to increase the capacity of both the European Union and civil society organisations to conduct credible and effective election observation missions. NEEDS is funded by the European Commission and draws on expertise from around the world. The NEEDS website is a resource for all organisations and individuals interested in election observation (see www.needs-network.org).

During the current project cycle, NEEDS has trained several hundred people for EU Election Observation Missions (EOMs). This has included training for the core team positions and for long term observers. NEEDS has also produced a number of resources to maximise the quality and efficiency of EU EOMs. These include an updated Handbook for EU Election Observation, an updated Compendium of International Standards for Elections, and various guidelines and templates. These resources are fully available on the NEEDS website and may be used by other observer groups and interested persons. Additionally NEEDS works with domestic observers in holding regional forums for skills and knowledge development and networking. NEEDS has also produced a handbook on domestic observer work around the world, and conducts some technical assistance with domestic observers. NEEDS aims to promote election observation being conducted systematically and comprehensively with accuracy and impartiality. Through such professional activities, observation missions can substantially contribute to positive electoral environments and developments.



Electoral Reform International Services (ERIS) – Specialises in the provision of expertise on democracy and good governance, notably in the fields of election assistance, election observation missions and training of domestic and international observers. www.eris.org.uk



Abo Akademi University – A specialist department in human rights law and a key institution in the specialist courses on civilian crisis management, the European human rights masters programme and NEEDS election expert training. www.abo.fi



Austrian Study Centre for Peace and Conflict Resolution (ASPR) – A leading institution in training across a wide range of disciplines for UN, EU, OSCE and NGO activities, including civilian crisis management, conflict resolution, election observation and public information campaigns. The Centre also has extensive experience of training in peace building and work in conflict zones. www.aspr.ac.at



MEMO 98 – A specialist media institution, with extensive experience of delivery media monitoring on behalf of international institutions as well as technical assistance to civil society groups. www.memo98.sk



Osservatorio di Pavia – Another specialist media institution, also highly experienced in media monitoring within international election observation missions as well as more wide ranging media and communication activities including work on media standards and freedom of expression and development of civil society capacity building projects. www.osservatorio.it



Scuola Superiore Sant'Anna – A highly renowned learning establishment with a long track record in training in the fields of conflict resolution, human rights and election observation. The Scuola brings substantial expertise to the network, notably in the field of development of training curriculum and evaluation techniques but also in the design and delivery of training programmes. www.itpcm.sssup.it