



ELECTION OBSERVATION GUIDELINES

9 July 2019

TABLE OF CONTENT

| | |
|---|---|
| I. OSCE PA Election Observation Missions (EOM) | 2 |
| II. Standards for OSCE PA Observers | 3 |
| III. Nomination of Observers | 4 |
| IV. Appointment of Observers | 5 |
| V. EOM Leadership | 5 |
| VI. Registration of Observers | 6 |
| VII. Deployment and Conduct | 6 |
| VIII. Co-ordination Meetings within the IEOM | 6 |
| IX. Sanctions and Recourse | 7 |
| X. Reporting and Follow-Up | 7 |
| XI. Entry into Force | 7 |
| ANNEX 1. Statement of Nominated OSCE PA Election Observers | 8 |

I. OSCE PA Election Observation Missions (EOM)

1. OSCE PA election observation is an activity of the OSCE Parliamentary Assembly, one of the two OSCE institutions that are typically invited, – in line with OSCE commitments – by OSCE participating States that conduct elections (host country). OSCE PA election observation missions (EOMs) are delegations of the OSCE PA (1997 Co-operation Agreement endorsed by OSCE Ministerial Council Decision 19/06).
2. The OSCE PA is composed of members from participating States whose credentials have been verified (Rule 1 and 3 No 5 OSCE PA Rules of Procedure – RoPs) and whose geographic distribution is determined by the annex to the RoPs. Alternate Members from among alternates whose number may not exceed that of ordinary members may replace members that cannot attend an OSCE PA event (Rule 3 No 4 RoPs). Each National Delegation must submit an official list of its members to the International Secretariat before any meeting (Rule 19 RoPs).
3. In accordance with general principles governing the creation of committees/delegations from parliaments, OSCE PA observer missions are composed of Members of the Assembly that have been nominated by their national delegations and appointed by the PA President (analogue to Rule 7 No 3 RoPs). If a national delegation cannot provide as many observers as it has members, it may fill the remaining places from their list of alternate members (analogue to Rule 3 No 4 RoPs).
4. Under the conditions of Section III Paragraph 6, and within the above limits, Members of Parliament from OSCE participating States that are not OSCE PA members may exceptionally be seconded by national parliaments of the OSCE to OSCE PA EOMs as parliamentary short-term observers.
5. In case a mission does not receive sufficient nominations to meet the requirements set out in the needs assessment, the President of the OSCE PA may allow for additional nominations from among alternates exceeding the number a delegation is entitled to. The increase should remain proportional to the size of every delegation as established in the Annex to the RoPs.
6. The decision to deploy an EOM is taken by the OSCE PA President after communicating to the Bureau the intention to do so.
7. The decision to deploy is normally based on the results of an eventual OSCE/ODIHR Needs Assessment Mission. In cases where the ODIHR has not been invited to observe – in violation of OSCE commitments – or does not observe, because the country that has extended the invitation makes it impossible for the ODIHR to observe in line with its established methodology, the OSCE PA will refrain from sending an EOM.
8. In cases where the ODIHR cannot observe for other reasons and abstains from a needs assessment for other reasons, the decision will be based on a needs assessment by the OSCE PA International Secretariat.
9. The President will also decide whether the EOM will be a fully-fledged one, a limited one, for instance composed of Bureau members only, or an expert mission with even more limited participation.
10. In cases when the OSCE PA observes an election alongside the ODIHR, both OSCE Institutions form a short term OSCE observer mission, as stipulated in the 1997 Co-operation Agreement endorsed by OSCE MC Decision 19/06.
11. The OSCE institutions may be joined by other parliamentary observer missions, provided they apply the same standards. In such case, they will form an International Election Observation Mission (IEOM).

II. Standards for OSCE PA Observers

1. Observers must meet the highest standards of impartiality. Any potential conflict of interest which could raise doubts in the eyes of a reasonable and neutral person regarding an observer's ability to act in a fully impartial manner disqualifies a candidate from being an observer. Whether or not the candidate is believed to be subjectively impartial or is seen as impartial by his/her colleagues is irrelevant.
2. Members that hold the citizenship of the country observed are excluded from observing. Potential conflicts of interests can arise from the following:
 - a) Corruption;
 - b) Potential economic benefits for the observer or close family from the outcome of the elections;
 - c) Close family or personal or economic ties with electoral contestants or their campaign teams;
 - d) Previous participation in election observation in the country sponsored by the country's government, lobby groups working on behalf of the government, or any other electoral stakeholder;
 - e) Previous exclusion from the observation of elections in the host country based on a decision by the EOM leadership;
 - f) Being from a country that is directly or indirectly - for instance by giving military support to internal groups – engaged in an acute armed conflict marked by ongoing military hostilities with the host country;
 - g) Litigation against electoral competitors;
 - h) Active substantial support to the campaigns of one or more of the competitors in this election;
 - i) Active or paid participation in or providing support to political campaigns in the country;
 - j) Public statements that pre-empt the results of the election observation;
 - k) Public political statements of the individual member within six months before election day, or after the day on which the election is officially announced, whichever is the later date, that would constitute a display of partisanship and be qualified as a breach of the Code of Conduct if made during the observation. This also includes statements of racist or nationalist nature and hate speech addressed to the country observed, its people or groups within the country. Participation in normal parliamentary business or in other official functions does not forcibly indicate a conflict of interest, even when it deals with the host country;
 - l) Active and grave violations of national laws or activities against the territorial sovereignty of the country observed;
 - m) Entry bans into the country for reasons unrelated to political or election observation activity in the host country;
 - n) Membership in groups that aim at overthrowing the government of the host country;
 - o) Support for groups that resort to violence in their attempts to overthrow the government or change the political system of the host country;

Except if the above list contains an explicit reference to a group or a country, all conflicts of interest must lie in the person of the individual observer, not in the adherence to a nation or group.

3. Being from a neighboring country does not constitute a conflict of interest that disqualifies a normal short-term observer. However, it excludes an observer from leadership positions in the observation mission, and OSCE PA EOMs should not be dominated by observers from neighboring countries.

4. Membership in parliamentary friendship groups of a member's parliament with the country observed or belonging to a national minority that is part of the governing majority in the country observed, does not, as a rule, constitute a conflict of interest disqualifying a normal short-term observer. However, it excludes an observer from leadership positions in the observation mission. Also, the observer should make such affiliations transparent.
5. Members that express interest in being nominated as observers sign the attached Statement and hand it in together with his/her application. In addition to the Statement regarding the possible conflict of interest, observers will have to sign the Code of Conduct governing their conduct during the observation.
6. The signed Statement of a nominated observer should be made public upon request in order to increase confidence through enhanced transparency.

III. Nomination of Observers

1. National OSCE PA Delegations – formally through their leader, in practice through the Secretaries of Delegation – nominate interested PA members from their delegation as observers. The nomination must be made in the format of a list. Delegations may take an ad hoc decision regarding the withdrawal of a nominee in case not all nominees can be appointed. In the absence of such a decision, nominated members will be appointed in the order they appear on the list.
2. A national delegation may put forward as many nominations from among its national members as it is entitled to in accordance with the PA Rules regarding the composition of the Assembly. If a national delegation cannot provide as many observers as it would be entitled to, it can fill the remaining places in with alternate members.
3. The nominating delegation will refrain from nominating members with known issues regarding the requirements of Section II.
4. Members can be accompanied by Secretaries of their national PA Delegations and other members of their parliamentary staff (Rule 44 RoPs), as appropriate. These guidelines apply to them *mutatis mutandis* taking into consideration their professional duties in support of Members of Parliament.
5. Other national MPs that are neither members nor alternate members of the OSCE PA can be nominated on an exceptional basis if all the following conditions are met:
 - a) either the OSCE PA President has decided that because of conflicting PA events (like Annual Sessions or other statutory meetings) the OSCE PA might otherwise not be able to appoint enough observers to conduct a meaningful observation;
or
 - b) the Head of Delegation states in writing that this Parliament's delegation cannot fill the places of observers it is entitled to nominate due to parliamentary business of all its members and alternate members, and that the competent bodies of the parliament are seconding this nominee to the OSCE PA observation mission as a voluntary contribution to the work of the OSCE PA;
and
 - c) the delegations that nominate non-members have not yet nominated as many observers as they are entitled to;
 - d) the number of non-members in the OSCE PA EOM does not exceed 20 per cent of the total parliamentary members of the mission, and
 - e) the non-members are offered a briefing on the election-related acquis of the OSCE, give their consent to all OSCE PA documents relevant for the conduct of elections and the co-operation with partners and try to be available when the mission's report will be discussed in a PA

meeting. In order to be prepared and to enhance the transparency of the process and the composition of the OSCE PA EOM, delegations that wish to nominate non-members are encouraged to establish a politically balanced pool of interested national parliamentarians that fulfill these requirements.

6. The OSCE PA shall attempt to preserve a political and geographical balance of Members within the EOM. Individual delegations should not appear as dominating the mission. In case of a significant and serious imbalance, the OSCE PA President, in consultation with the Head of the OSCE PA delegation, can take appropriate steps to balance the composition.
7. The President of the OSCE PA can decide to invite a limited number of parliamentary observers from Partner Countries (two per country).
8. In exceptional cases, when parliamentary observers in accordance with Rule 45 RoP who usually join the IEOM cannot send a full delegation due to organizational problems, the OSCE PA President may permit them to participate in the OSCE PA observation alongside the OSCE PA observers.

IV. Appointment of Observers

1. Nominees are not part of an observation mission before they have been appointed by the President.
2. Once a nomination has been received by the responsible PA officials in charge of supporting the mission, the signed Statement provided undergoes a plausibility check by the International Secretariat. The PA International Secretariat will not initiate a material investigation of possible or alleged conflicts of interest. If there is an established possible conflict of interest pertaining, in particular to Section II of the present Guidelines, the International Secretariat will consult with the national delegation.
3. The International Secretariat sends the list of appointed observers to the delegations that have forwarded nominations before the expiry of the deadline set by the host country legislation or regulations for the registration of observers.
4. If substantiated doubts regarding the accuracy of the nominated observers' declaration made by signing the Statement are raised by other PA members or an electoral stakeholder from the country to be observed, they should be addressed first by the leadership of the national PA delegation.
5. If the delegation maintains the nomination, the Head of the PA delegation in the EOM assesses the issue with the help of Secretariat. If they conclude that the facts have been sufficiently corroborated, the nominee will not be considered eligible as an observer for this election, and the President will be so advised.
6. In cases of violations of observer rules, observers can be excluded from the mission by decision of the Head of the PA Delegation to the short term OSCE observer mission after consultation with the Special Co-ordinator and the International Secretariat.

V. EOM Leadership

1. In line with the 1997 Co-operation Agreement the President nominates him/herself or any other Senior PA figure as Special Co-ordinator to lead the short term OSCE observer mission for appointment by the OSCE Chairperson-in-Office. In case the President is a citizen of the country to be observed, he/she will delegate the right of nomination to the most senior PA Vice-President (in line with the Rule 5 No 8 RoPs).
2. One of the observers will be appointed by the OSCE PA President as Head of the PA Delegation to the short term OSCE observer mission/the International Election Observation Mission (IEOM). When the OSCE PA does not have any partner in the observation, this person serves as Head of the OSCE PA Mission.

3. The Special Co-ordinator and the Head of Delegation must be full OSCE PA members. Their mandate stays in place for all matters relating to these elections, at least until the report has been delivered to the bodies of the OSCE PA.
4. In accordance with the Co-operation Agreement, the Special Co-ordinator leads the short term OSCE observer mission. He/she works closely with the OSCE/ODIHR On-site Co-ordinator (“ODIHR Head of Mission”) and delivers the preliminary post-election statement in conjunction with other appropriate officials. The Special Co-ordinator is the principle representative of the short term OSCE observer mission to the authorities of the host country and accountable to the OSCE Chairperson-in-Office. The Special Co-ordinator co-ordinates the work of the International Election Observation Mission (IEOM). In the event that other international parliamentary bodies are strongly represented in the IEOM, he/she can share his/her responsibilities with their leaders. The Special Co-ordinator also performs functions assigned by the present document.
5. The Head of the PA Delegation to the short term OSCE observer mission deals with the delegation’s internal business and presides over meetings of the delegation. During parliamentary briefings, he/she performs functions of a deputy to the Special Co-ordinator. In the Co-ordination Meetings within the IEOM (section VIII), the Head of Delegation presents the OSCE PA position in support of the Special Co-ordinator. In addition, the Head of Delegation performs functions assigned by the present document.

VI. Registration of Observers

1. The International Secretariat communicates the observer lists and any other relevant documents to the authorities of the host country for observer registration.
2. If the host country rejects an appointed observer, the Head of Delegation will decide whether this rejection was made on valid grounds. If this is not the case, the OSCE PA President will decide how to address this breach of OSCE commitments.

VII. Deployment and Conduct

1. The International Secretariat will draft a deployment plan taking into consideration personal wishes by the observers, but also the requirements for a meaningful observation mission. The final decision on the deployment plan is taken by the Special Co-ordinator. Generally, deployment is done in pairs of two. The ODIHR does not consider questionnaires filled in by one-person observer teams. The format of the deployment should also take into consideration best practices of the ODIHR and is best served by the formation of teams with heterogeneous backgrounds.
2. All observers must be present during the full time period of the observation and comply at all times with the rules outlined herein and sign and comply with the Code of Conduct starting from signing their application and ending after the ODIHR has completed its on-site observation. Observers also must attend all briefings organized by the OSCE PA and de-brief the EOM leadership after the end of election day. Observers must, in particular, refrain from making political statements during the observation in the country and should not engage in political discussions with members of the polling station commissions or the drivers and interpreters. Public comments which include a political statement related to the host country or a premature conclusion on the conduct of the elections are valid grounds for dismissal. Observers should also refrain from bringing their own media team with them. Observers must abide by the rules for observation and fill in the questionnaires in the proper way.

VIII. Co-ordination Meetings within the IEOM

When preparing the preliminary statement that the OSCE Special Co-ordinator will make on behalf of the IEOM, findings and conclusions from the mission are discussed with the aim of arriving at a joint

assessment of all delegations. Only the Special Co-ordinator and the Head of the PA Delegation to the short term OSCE observer mission, as well as the necessary support staff from the OSCE PA International Secretariat, are allowed to participate in these meetings on behalf of the OSCE PA. The mission leadership may delegate their function to the Assistant Co-ordinator (an official from among OSCE PA staff appointed by the OSCE PA Secretary General) for a working level co-ordination. As an exception, the Assistant Co-ordinator from the International Secretariat may include additional experts from within the EOM to attend.

IX. Sanctions and Recourse

1. In severe cases like when a member is found to have submitted a signed Statement that is proven wrong, the OSCE PA President will exclude the member from any further observation mission.
2. A PA observer who violates the Code of Conduct will be excluded by the OSCE PA Head of Delegation after consultation with the Special Co-ordinator.
3. If a national delegation persistently nominates observers despite obvious issues regarding their honesty when filling in the application or their conduct during past observations, the Bureau can exclude this delegation from OSCE PA election observation.
4. Both nominees and observers can appeal against their exclusion. Nominees that have not been appointed because of potential conflict of interest can appeal to the Bureau. The appeal of an observer against his/her exclusion from the mission is addressed to and decided by the President.

X. Reporting and Follow-Up

1. The Special Co-ordinator and/or the Head of Delegation will deliver a report to the next statutory meeting of the OSCE PA, preferably the Plenary or one of the Committees.
2. All OSCE PA officials will make an effort to monitor – within their area of responsibility and the OSCE PA capacities – the way in which the host country addresses recommendations contained in the ODIHR's final report. The OSCE PA's General Committee on Democracy, Human Rights and Humanitarian Questions should consider further ways of enhancing election observation follow-up.

XI. Entry into Force

The attached observer Statement has been adopted by the OSCE PA Standing Committee at its 2019 Winter Meeting. The present Guidelines will be applied after 9 July 2019 as executive instruction governing OSCE PA election observation missions. The President of the OSCE PA, with the support of the International Secretariat, will evaluate the effects of their application and report to the Standing Committee at the Annual Session 2020.

ANNEX 1. Statement of Nominated OSCE PA Election Observers

The credibility and positive impact of the work of an election observation mission depends to a large extent on the perceived impartiality of the observers. Any potential conflict of interest that could reasonably be understood or portrayed by electoral stakeholders and, in particular, by contestants in the election observed, as possibly impacting on the observer's impartiality must be avoided.

An important principle regarding potential conflicts of interest is that they do not necessarily imply actual misconduct. It is sufficient that credibly substantiated facts could - in the eyes of a reasonable stakeholder in the process assessed - indicate a conflict of interest suited to potentially impacting the impartiality of the person. This means: The subjective belief of observers or of their political friends that they can observe in a non-partisan way independently from the conflict of interest is irrelevant. As potential bias is not a matter of personal wrong-doing, it also does not matter whether the stance/conduct which might lead to the appearance of bias is ethically correct or widely accepted politically. And, finally, even facts that are brought forward by a stakeholder with the ill intention to discredit the process need to be assessed objectively if substantiated.

In light of this, all nominees for the observation mission are requested to declare - to the best of their knowledge – and sign the following

Statement of Nominated OSCE PA Election Observers:

I declare that

- my family and I have never received economic benefits from any of the contestants or their supporters
- I do not have close family ties to or am personally or economically dependent on electoral contestants or members of their support teams
- I have never participated in an election observation in the country sponsored by its government, lobby groups working on behalf of that government, or any other electoral stakeholder
- I have never been excluded from the observation of elections in the host country based on a decision by the EOM leadership
- I have never engaged in active or paid support to political campaigns in the country
- I have never actively provided any substantial material support to the campaigns of one or more of the contestants
- I am not a member of or have publicly stated support for any group that aims at overthrowing the government or changing the political system of the host country through anything other than purely peaceful and legal means
- I am not under an entry ban into the country for reasons which are unrelated to election observation activity in the host country or my capacity as member of my country's parliament
- I have not committed active and grave breaches of national laws or violated the sovereignty of the country observed
- I am not engaged in litigation against electoral contestants or members of their campaign teams
- I have not made public statements or engaged in activities within six months before election day, or after the day on which the election is officially announced, whichever is the later date, that would constitute a display of partisanship regarding electoral competitors and be qualified as a breach of the Code of Conduct if made during the observation. This also includes statements of racist or nationalist nature and hate speech addressed to the country observed, its people or groups within the country. I have not assessed in advance the expected conduct of electoral stakeholders during the election that is to be observed. Participation in normal parliamentary business or in other official functions of my parliament are exempt from this, even when they deal with the host country.

I am aware that wrong assertions in this declaration might lead to my exclusion from the mission and could entail further sanctions.

I am / **I am not** a member of a bi-national friendship group of my parliament with the parliament of the host country, which I state for transparency reasons.

Signed _____
Print Name _____
Date _____