Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1771 (2010)[1]
Final version

An internationally recognised status of election observers

Parliamentary Assembly

1. The Parliamentary Assembly refers to its previous work relating to the electoral process, in particular Resolution 1320 (2003) on the Code of Good Practice in Electoral Matters; Resolution 1546 (2007) on the code of good practice for political parties; Resolution 1591 (2007) on distance voting; Resolution 1590 (2007) on secret ballot – European code of conduct on secret balloting, including guidelines for politicians, observers and voters; Resolution 1705 (2010) on thresholds and other features of electoral systems which have an impact on representativity of parliaments in Council of Europe member states; and Resolution 1736 (2010) on the Code of Good Practice in the field of Political Parties.

2. Democratic elections are a manifestation of fundamental, civil and political rights and they are a key pillar of political stability. The Assembly has already stressed that the holding of free, equal, universal, secret and direct elections at regular intervals remains a *sine qua non* for recognising a political system as democratic and that its objective is to establish the world's largest "free and fair election" zone.

3. Observation of elections plays an important role in enhancing the democratic electoral process and promoting the protection of human rights. Election observers monitor elections that are held according to domestic and international law standards. They also scrutinise the existing electoral legal framework. Therefore, election observation is an effective instrument for identifying shortcomings of the electoral process and deterring fraud. It is also a tool to increase the confidence of the electorate in the electoral process.

4. Nowadays, election observation is a widely accepted procedure. At the international level, there are many organisations, like the Organization for Security and Co-operation in Europe (OSCE) and the European Union, which are engaged in election observation, and most of them have adopted guidelines on election observers.

5. The Assembly notes that although several organisations are interested in promoting free and fair elections and that consequently several guidelines govern the status of election observers in various ways, these guidelines are not congruent. In its Resolution 1320 (2003), the Assembly, noting that "every European or international organisation has tended to follow its own criteria on the observation and evaluation of elections, and that there is neither a formal text setting out all the underlying principles of European electoral systems nor a permanent European body responsible for electoral monitoring", considered that "the Council of Europe, owing to its specific role as the guardian of democracy in Europe, should play a pioneering role in codifying election rules".

6. The Assembly recalls its long-standing experience of election observation and draws attention to its own role in promoting democratic elections.

7. The Assembly also draws attention to the *acquis* of other Council of Europe bodies in the field of electoral law, in particular the work of the European Commission for Democracy through Law (Venice Commission), its Council for Democratic Elections and the Congress of Local and Regional Authorities of the

1. *Text adopted by the Standing Committee,* acting on behalf of the Assembly, on 12 November 2010 (see Doc. 12355, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Weekers). See also Recommendation 1945 (2010).

Council of Europe. It welcomes, in particular, the election-related guidelines adopted by the Venice Commission, such as the Code of Good Practice in Electoral Matters, and its recent documents on the status of election observers.

8. On the basis of the Venice Commission recommendations and guidelines, the Assembly considers that there are no common rules on election observers, even though several essentially non-binding instruments of international law deal with their rights and duties. At the international level, these rules are still fragmentary. The Assembly considers that there is a need for congruent international rules on the status of election observers.

9. Concerning domestic regulations on the status of election observers, the Assembly acknowledges that, in the majority of member states, there exist no legislative provisions on this issue. Although certain states have incorporated rules on this subject, these provisions vary greatly from country to country, and electoral practice is still affected by various national traditions. The Assembly reiterates that this situation should not be used as a pretext to undermine the basic principles governing the conduct of free and fair elections.

10. The Assembly considers that the adoption of congruent rules at the European level could strengthen the status of election observation, as well as the credibility and legitimacy of elections, and prevent certain practical problems, such as the risk of forum shopping among election observers. Such rules should be based on the Declaration of Principles for International Election Observation and on the Code of Conduct for International Election Observers.

11. The Council of Europe should strengthen its efforts to maintain confidence in electoral systems. The implementation of the above guidelines and a uniform status for election observers would be one of the means to achieve this objective.

12. The Assembly therefore calls on the Council of Europe member states to:

12.1. implement in their national legislation the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, if they have not yet done so;

12.2. promote the knowledge of the rules contained therein among the relevant stakeholders, by organising seminars and training, and providing relevant and up-to-date documentation;

12.3. step up international co-operation with other organisations, such as the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the European Union, as well as other stakeholders involved in election observation.

13. The Assembly supports the Venice Commission in its valuable work in the field of electoral law and, in particular, in codifying and setting up rules on the status of election observers. The Assembly encourages it to work further in this area.

14. Furthermore, the Assembly calls on Council of Europe member states to implement the Venice Commission guidelines on an internationally recognised status of election observers, but without duplicating the standards in the Declaration of Principles for International Election Observation and in the Code of Conduct for International Election Observers. In fixing explicit rules on the rights and duties of election observers, member states should in particular:

14.1. provide that election observers' tasks should cover areas of assessment of the whole electoral process, including the pre-voting phase, the voting day phase and the post-voting phase;

14.2. ensure that election observers are invited sufficiently well in advance;

14.3. clearly define and harmonise the accreditation procedure; rules on accreditation should be implemented in a flexible manner;

14.4. provide for remedies if election observers' rights are not respected;

14.5. ensure that observers' freedom of movement is not restricted;

14.6. guarantee the security of election observers while carrying out their duties.

15. It invites the members of parliamentary delegations to the Assembly to:

15.1. introduce the question of the status of election observers into the work of their national parliaments;

15.2. promote the work of the Venice Commission and of the Assembly in the area of electoral matters, including election observation.