



ANALYSIS ON  
CONDITIONS FOR  
CITIZEN  
OBSERVATION

CATALOGUE OF  
RECOMMENDATIONS  
ON ELECTORAL  
REFORM

EPDE SIDE EVENT

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# ANALYSIS ON CONDITIONS FOR CITIZEN OBSERVATION

- Seven countries of the Eastern neighborhood of the European Union (EU), including Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine and Russia.
- Recent reports and recommendations by citizen observer organizations, open source information, and the newly developed Catalogue of Recommendations – basis of analysis.
- Five areas:
  - (1) legal basis for citizen election observation,
  - (2) accreditation procedures and practice,
  - (3) access during the pre-electoral period,
  - (4) election day observation, and
  - (5) access to justice and legal redress.

# OVERALL PRELIMINARY FINDINGS

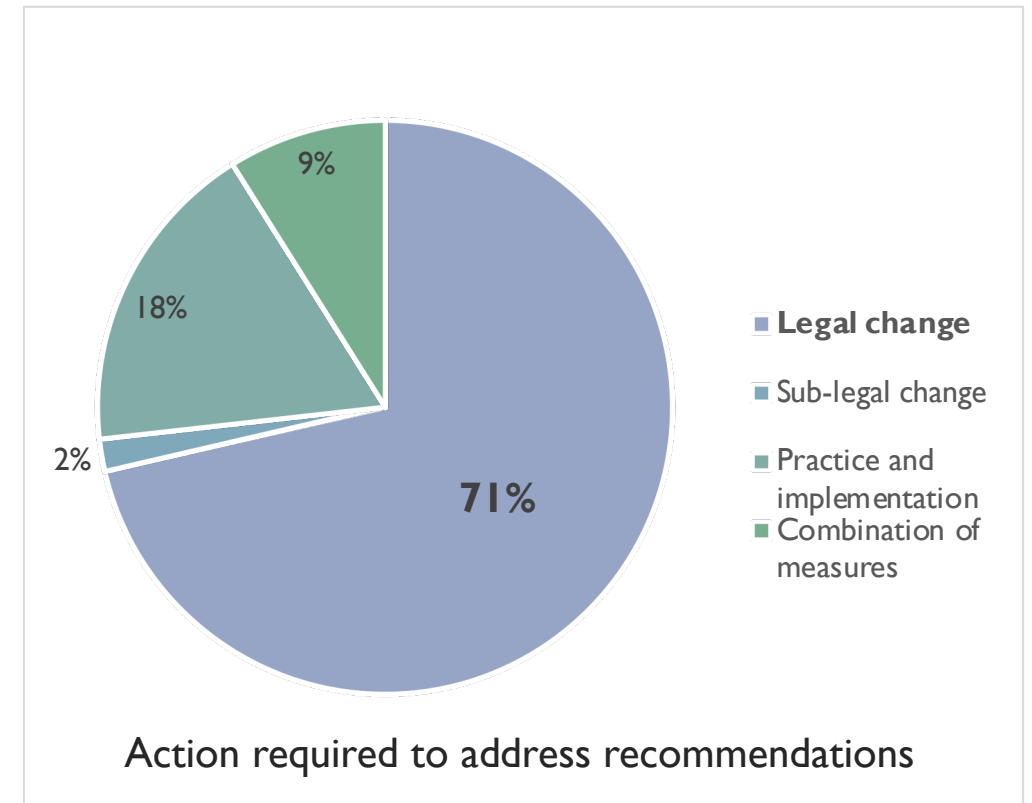
Mixed picture: conditions for election observation, both in legislation and in practice, and attitudes towards it vary considerably from country to country

- **Armenia, Georgia, Moldova, and Ukraine:** overall enabling conditions for the work of citizen observers. Permissive framework generally facilitates unobstructed observation
- **Georgia, Moldova and Ukraine:** despite the overall more favorable environment, reports of negative tendencies in attitudes and attempts to discourage, discredit, pressure and intimidate observers
- **Belarus:** rights of observers remain more narrowly defined and construed; however, some minor improvements in the level of access to information and institutions
- **Azerbaijan:** limited space for independent citizen election observation and considerably more restrictive overall environment.
- **Russia:** no possibilities for direct independent observation by civil society organizations, which face pressure and prosecution

Serious concern: observed rise in politically-motivated domestic observation. Practice seriously damaging for credible non-partisan election observation

# LEGAL BASIS AND PROVISIONS FOR OBSERVATION

- Laws in Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, explicitly permit election observation, both by citizen and international organizations.
- Rights of observers, including requirements of neutrality and non-interference, and processes that they are entitled to follow are stipulated.
- In contrast, Russia does not envisage direct independent observation by citizen observers. Foreign Agent' Law - chilling effect on the civil society and independent media.
- Shortcomings:
  - Restrictions on the permissible activities and sources of funding
  - Ambiguous or narrowly defined rights of observers, which do not explicitly permit observation of all the stages of an electoral process
  - Omission of key processes from the list of observable aspects
  - Restrictions on public comments about observations until the closure of polling stations



# ACCREDITATION PROVISIONS AND PRACTICE

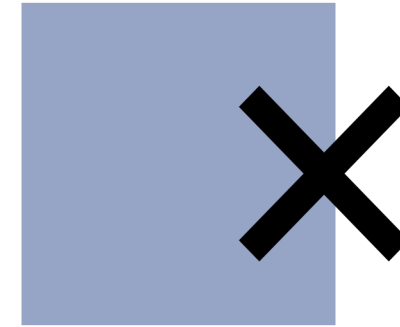
- Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine generally provide an adequate framework for accreditation of observers, both citizen and international.
- In countries allowing direct accreditation, respective processes are evaluated as generally inclusive.
- Russia: accreditation procedures spelled out; however, citizen observers are forced to obtain accreditations through political parties, media outlets and civil chambers.
- Several aspects a cause of concern; need for simplification and de-bureaucratization:
  - Imposition of additional accreditation requirements as part of EMB regulations, not envisaged or going beyond legal requirements
  - Delays in processing of accreditation requests, rejections of nominated observers based on omissions or irregularities in paperwork
  - Stipulations on expiry of accreditations on election day may prevent observers from following tabulation processes, resolution of complaints and appeals, and post-electoral processes
  - Subjective refusals to accredit international NGOs



**19%**  
OF RECOMMENDATIONS RE  
ELECTION OBSERVATION  
PROPOSED IMPROVEMENTS  
TO OBSERVER  
**ACCREDITATION  
PROCEDURES**

# ACCESS DURING THE PRE-ELECTORAL PERIOD

- Laws contain general requirements for the electoral process to be public and for observer access to it
- In practice, various challenges impact the work during this period:
  - Need for greater inclusion, transparency and openness of EMBs, lower-level commissions, other institutions
  - Lack of access to the deliberations by election commissions and to the decision-making process
  - Cases of differentiated treatment of international and citizen observers
  - Pressure and intimidation =



- gathering of information about observers' place of residence, family and employment;
- threats of dismissal or of administrative proceedings;
- threats to family members;
- verbal and physical attacks;
- surveillance;
- smear campaigns.

# ELECTION DAY OBSERVATION

- Laws in all focus countries offer general guarantees of observer access to election day proceedings.
- In practice, the level of access during the observation of opening and voting in polling stations ranged from being overall satisfactory to good and very good, while transparency typically worsens during counting and tabulation.
- Concerns:
  - Quantitative limitations on the numbers of observers per polling station
  - Observers being prevented from making photos and videos of irregularities
  - Observers being restricted in movement within polling stations during counts or being placed too far from counting and sorting tables
  - Results protocols not being issued to observers in all cases and/or not being posted for public scrutiny
  - Insufficient or complicated access to recordings from video cameras



THE LEVEL OF ACCESS AND TRANSPARENCY  
DURING  
**COUNTING / TABULATION**  
ASSESSED  
**MORE NEGATIVELY**  
THAN DURING OPENING AND VOTING



## ACCESS TO JUSTICE AND LEGAL REDRESS

- Laws in Armenia, Azerbaijan, Belarus, Georgia, Russia and Ukraine explicitly allow observers to file election-related complaints.
- However, in Armenia and Belarus complaints may only be filed by observers with respect to violations of individual rights, excluding, for instance, the possibility of challenging other irregularities in an electoral process and election results.
- In Moldova, observer organizations are not listed among subjects with a right to file complaints; however, this right is granted broadly to all voters and electoral contestants.
- Concerns: several concerns related to the complaints and appeals process:
  - Observers not being permitted to enter remarks about malpractices into polling stations' logbooks
  - The fees levied for the submission of appeals to court constitute a considerable financial burden
  - Complaints about restrictions on or violations of rights of observers handled inadequately and in a biased manner



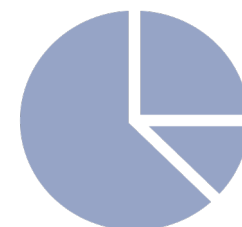
## IMPLEMENTATION OF RECOMMENDATIONS

*“Environment needs to be created, in which citizen observers are seen as **partners, not as opponents.** Environment, in which openness to input, inclusion in dialogue, and genuine interest in alternative opinions prevails in relationships with the civil society.”*

- Considerable follow-up efforts, both by citizen and international observer organizations
- Yet implementation of recommendations remains insufficient
- Majority of observation-related recommendations – remain to be implemented
- Different factors may impact the ability and readiness of countries to implement recommendations
- Key concern - lack of political will to genuinely consider the suggestions of improvements and to engage in a dialogue with civil society organizations

# CATALOGUE OF RECOMMENDATIONS ON ELECTORAL REFORM

- Contains recommendations pertaining to elections held in the region between 2012 and 2018;
- Tracks implementation of recommendations, identifies institutions responsible for implementation, degree of priority;
- To be supplemented and updated after each election and publication of reports;
- Tool for citizen observer groups and stakeholders to encourage follow-up to recommendations and electoral reforms.



**490**  
RECOMMENDATIONS  
IN THE DATABASE



**56**  
RECOMMENDATIONS  
ABOUT ELECTION  
OBSERVATION



**67 %** OF OBSERVATION-  
RELATED RECOMMENDATIONS  
ARE **HIGH PRIORITY**