

Recommendations on Electoral Reform

EPDE Working Paper #1 – October 2019

Legal framework for citizen election observation in the EU–Eastern Partnership and Russian Federation



Edition:

European Platform for Democratic Elections
www.epde.org

Responsible for the content:

Europäischer Austausch gGmbH
Erkelenzdammer Straße 59
10999 Berlin, Germany

Represented through:

Stefanie Schiffer

EPDE is financially supported by the European Union



and the Federal Foreign Office of Germany.



Auswärtiges Amt

The here expressed opinion does not necessarily reflect the opinion of the donors.

TABLE OF CONTENTS

SUMMARY	3
ABOUT THIS REPORT	4
SOURCES OF MANDATE: INTERNATIONAL STANDARDS AND GOOD PRACTICE	4
ELECTORAL CYCLE AND FOLLOW-UP TO RECOMMENDATIONS	4
CITIZEN OBSERVATION IN LAW AND PRACTICE	5
Legal basis and provisions for election observation	5
Accreditation provisions and practice	6
Access during the pre-electoral period	7
Election day observation	7
Access to justice and legal redress	8
CONCLUSIONS AND WAY FORWARD	9
RECOMMENDATIONS	9
EPDE AND ITS MEMBERS	10

Author - Tatyana Hilscher-Bogussevich

Editor - Adam Busuleanu

GLOSSARY

BHC	Belarusian Helsinki Committee	ICCPR	International Covenant on Civil and Political Rights
CEC	Central Election Commission	ISFED	International Society for Fair Elections and Democracy
CVU	Committee of Voters of Ukraine	OSCE	Organization for Security and Co-operation in Europe
EMB	Election management body	TIAC	Transparency International Anticorruption Center
EMDS	Election Monitoring and Democracy Studies Center	VC	Venice Commission of the Council of Europe
EU	European Union		
HCAV	Helsinki Citizens' Assembly - Vanadzor		

SUMMARY

Over the last decade, civil society groups conducting election observation in the countries of the European Union's Eastern Neighborhood are gaining more and more influence as governance actors who effectively shape electoral reforms in their home countries.

Yet, conditions for domestic election observation, both in legislation and in practice, and attitudes towards it vary considerably from country to country. While in Armenia, Georgia, Moldova and Ukraine citizen observation is accepted and generally facilitated, civil society organizations in Azerbaijan and Belarus are carrying out their activities in a considerably more restrictive environment. In Russia, the law does not provide possibilities for direct independent observation by civil society organizations, who face pressure or prosecution by the authorities.

This report analyses the conditions for citizen election observation in seven countries of the Eastern

neighborhood of the European Union (EU), including Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine and Russia. It is based on a newly developed open source multi-country online Catalogue of Recommendations on Electoral Reform, which contains and assesses over 490 recommendations pertaining to elections held in the region between 2012 and 2018. 56 of these recommendations are related specifically to election observation, a majority of them are assessed as being "high priority", though most of them are evaluated as remaining to be implemented.

While different factors may impact the ability and readiness of countries to implement recommendations, in most cases, insufficient follow-up appears to stem rather from the lack of political will of governments to fulfill the international obligations, genuinely consider the recommendation suggestions of improvements and to engage in a dialogue with civil society organizations.

ABOUT THIS REPORT

Through this publication, EPDE seeks to draw the attention of stakeholders in the respective countries and internationally to the existing barriers to citizen election observation. This report is thus also an appeal to legislators and authorities to review the existing frameworks to eliminate the remaining restrictions on activities of civil society organizations and to nurture an environment of openness, transparency and inclusion. It is also a tribute to the tireless work, courage and dedication by citizen observer organizations to democratic elections.

Recent reports published by EPDE citizen observer organizations in the focus countries form the basis of this publication. Further, recommendations of improvements to legislation and practice provided in citizen election observation reports and tracked for implementation through the EPDE online Catalogue of Recommendations on Electoral Reform (see sub-section below) are referenced.

Following the listing of EPDE in March 2018 as an “undesirable foreign organization” in Russia, any

collaboration of EPDE with civil society partner organizations in Russia puts them at risk of administrative and criminal sanctions. The analysis provided in this report with regard to the conditions for citizen election observation in Russia is based exclusively on open source information, including legal information on the Central Election Commission (CEC) and other government websites, reports of international and domestic observation groups, party observers, and journalists.

In summarizing the overall conditions for citizen observation, the report focuses in particular on five areas. This includes (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. Examples from the focus countries included in this report reference the names of EPDE member organizations, which reported on the respective issue, and the year of the election, to which the comment relates.

SOURCES OF MANDATE: INTERNATIONAL STANDARDS AND GOOD PRACTICE

The important role played by citizen observers in supporting the conduct of democratic elections is underscored by a number of international and regional standards, as well as in good practice documents.

The United Nations Human Rights Committee’s General Comment 25 to the International Covenant on Civil and Political Rights (ICCPR), for instance, recognizes citizen observation as a form of participation in public affairs, which “relates to legislative, executive and administrative powers” and “covers all aspects of public administration, and the formulation and implementation of policy [...]” It also stipulates that “there should be independent scrutiny of the voting and counting process.”

Paragraph 8 of the 1990 Organization for Security and Co-operation in Europe (OSCE) Copenhagen Document creates the basis of election observation in the OSCE region and emphasizes that “the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process.” Citizen election observation is also anchored in a number of EU documents, which regard it as an important tool for enhancing the transparency

and public confidence in electoral processes. The 2002 Convention on Standards of Democratic Elections, Electoral Rights and Freedoms of the Commonwealth of Independent States, Articles 14 and 15, also contains guarantees for election observation, both citizen and international. Similarly, Section II.3.2 of the 2002 Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe (VC) calls for the widest possible opportunity both for international and citizen observers to follow all the stages of the electoral process. It recommends that “observation must not be confined to the election day itself, but must include the registration period of candidates and, if necessary, of electors, as well as the electoral campaign.”

Rights and responsibilities of citizen observers have also been detailed in the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations. The Declaration calls, inter alia, for the “[...] removal of unreasonable restrictions and other barriers to full citizen participation in electoral and political processes [...]”

ELECTORAL CYCLE AND FOLLOW-UP TO RECOMMENDATIONS

In line with an electoral cycle approach and in recognition of the fact that elections are not a one-day event, citizen election observation organizations strive to remain involved and to contribute to post-electoral

review and reform processes by actively engaging in follow-up activities, working with authorities on the implementation of recommendations and lobbying for reforms through different collaborative formats.

To support citizen observer organizations' efforts at tracking the implementation of recommendations, EPDE developed an open source multi-country online Catalogue of Recommendations on Electoral Reform. To date, the database contains over 490 recommendations pertaining to elections held between 2012 and 2018 in the focus countries and assesses the implementation of recommendations related to the most recent elections. 56 of these recommendations are related specifically to election observation.

Despite considerable follow-up efforts, both by citizen and international observer organizations, attention to and implementation of recommendations remains insufficient. Most of the recommendations pertaining to election observation tracked through the EPDE recommendations database were evaluated as remaining to be implemented. The majority of these recommendations were assessed as being "high priority". This lack of action on recommendations may to some extent be attributed to difficulties in reaching political consensus on proposed measures, resources missing for implementation or to the need to introduce changes to constitutions, which are more difficult to pass - challenges that may complicate any legislative process. However, in most cases, insufficient follow-up on recommendations appears to be a

reflection of a lack of political will to genuinely consider the suggestions of improvements and to engage in a dialogue with civil society organizations.

Positively, EPDE organizations in Armenia, Georgia and Moldova have seen some improvement in the recent years in the level of consultation and inclusion of the civil society in electoral review processes initiated by election management bodies (EMBs) and/or countries' authorities and welcomed the possibility to contribute. According to reports by Helsinki Citizens' Assembly - Vanadzor (HCAV), in Armenia, 2017 and the International Society for Fair Elections and Democracy (ISFED) in Georgia, 2018, citizen observer organizations were invited to and their suggestions were considered as part of multi-stakeholder consultative electoral reform formats.

However, these organizations were not satisfied with the level of commitment of the authorities to find genuinely consensual compromises, to stand by the agreements reached within working groups and consultative fora, and to implement the recommendations (HCAV 2017, ISFED 2017, 2018). Regrettably, the openness of election authorities to input from civil society organizations and their inclusion as a partner in post-electoral preview is far from being a standard in the focus countries and remains in a good practice domain.

CITIZEN OBSERVATION IN LAW AND PRACTICE

The ensuing chapters provide an overview of legal provisions and practice in the five focus areas.

Legal basis and provisions for election observation

Election legislation in 6 EPDE member organizations' countries, including Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, explicitly permits election observation, both by citizen and international organizations. Laws in these countries stipulate the rights of observers, include requirements of neutrality and non-interference, and outline the processes that they are entitled to follow.

In contrast, election legislation in Russia does not envisage observation by citizen observers or organizations directly. It permits observation only by international organizations, party and candidate proxies, media, and, since 2017, by observers nominated by civil chambers¹. This latter option, while it constituted a welcome broadening of possibilities for the involvement of the civil society, nevertheless did not sufficiently address the concern regarding the absence of legal provisions for independent

observation by citizen observers and organizations². In addition, a so-called Foreign Agent' Law adopted in 2012 obliges all civil society organization, and since 2018 also media outlets, that receive foreign funding and engage in broadly defined "political activities" to register as "foreign agents". The ensuing stringent financial reporting and audit obligations and a requirement to identify themselves as "foreign agents" in published materials are broadly seen as having a chilling effect on the civil society and independent media. The movement Golos is one of the affected civil society organizations that has been listed as a foreign agent since 9 June 2014.

EPDE member organizations emphasize that legal provisions on citizen election observation in their respective countries still require revision and further development to address a number of remaining shortcomings:

In Azerbaijan, provisions of the Laws on Non-Governmental Organizations (Public Unions and Funds) and on Grants impose a number of restrictions on permissible activities and on sources of funding for civil society organizations, including citizen observer groups. Election Monitoring and Democracy Studies Center (EMDS) has

1 Established in 2005, the Federal Civic Chamber is tasked to facilitate citizens' interaction with government officials and local authorities. Of the Chamber's 168 members, 40 are appointed by the president, 85 by regional civic chambers, and 43 by public associations. Members of regional civic chambers are appointed by federal or regional governments and by civil society organizations. See the OSCE/ODIHR Final Report on the 2018 Presidential Election.

2 The OSCE/ODIHR has pointed out in its Final Report on the 2018 Presidential Election that "given their perceived association with state authorities, observation by civic chambers does not address the continued lack of legal provisions for independent observation by citizen observers and organizations."

pointed out in its report on the 2018 election that these limitations seriously constrain the ability of non-governmental organizations to function, in particular due to a prohibition to receive funding from foreign sources and to carry out activities without state registration. Similar restrictions on activities of civil society organizations are imposed in Belarus. NGOs are required to register with the Ministry of Justice, are subjected to strict state supervision including regarding the sources of funding, and criminal liability is envisaged for working with unregistered NGOs. The Law on Associations leaves the authorities ample space for arbitrary denials of registration requests, including for minor technical issues.

As pointed out by EMDS (2018) and Belarusian Helsinki Committee (BHC) and Viasna in Belarus (2016), ambiguously formulated or narrowly defined rights of election observers, which do not explicitly permit observation of all the stages of an electoral process, have the effect of constraining observation activities, especially during pre- and post-electoral periods.

In Belarus, some key processes and activities related to elections are omitted from the listing of aspects that election observers are explicitly entitled to follow. As reported by BHC and Viasna in connection with 2017 local and 2016 parliamentary elections, such processes as formation of election commissions (lack of access to nomination documents) and registration of candidates (monitoring the procedures of verifying signatures and access to other registration documents) remained inaccessible for comprehensive observation.

In Moldova, PromoLex reported during the 2019 parliamentary elections that a restriction was introduced as part of an EMB regulation on the status of observers, which obliged observers to refrain from any public comments about their observations until the closure of polling stations. Positively, this restriction has been removed ahead of the 2019 by-elections.

The analysis of citizen observer organizations' recommendations related to election observation indicates that the majority of the identified shortcomings require amendments to laws. Over 50% of recommendations were addressed to national parliaments, which were identified as bodies primarily responsible for the implementation.

Accreditation provisions and practice

Laws in Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine generally provide an adequate framework for accreditation of observers, both citizen and international. Accreditation procedures are in place and are generally included in respective sections of election laws. Additional detailed provisions are often adopted as part of EMB regulations. In Russia, while accreditation procedures are spelled out in the law and an EMB regulation, in absence of legal provisions for direct applications by civil society organizations to serve as observers, citizen observers have the only option of collaborating and obtaining accreditations through political parties, media outlets and civil chambers.

Among countries allowing direct accreditation of citizen observers, accreditation processes were evaluated by EPDE member organizations in Armenia, Georgia, Moldova and Ukraine as generally inclusive, resulting in high numbers of observers being registered. Typical accreditation requirements for citizen observer organizations include:

- Being a registered civil society organization, public association, or movement;
- Statutory activities should include aspects related to democratic development, human rights, participation, elections and observation thereof;
- Submission of stipulated accreditation forms and accompanying documents to the EMB and/or regional / local election commissions;
- Submission of paperwork before stipulated deadlines.

Nevertheless, the application of observer accreditation provisions in practice has been a cause of concern and criticism by several EPDE member organizations during the recent elections. In addition to drawing attention to the specific concerns listed in the chart below, EMDS (2018), PromoLex (2019 parliamentary) and Transparency International Anticorruption Center (TIAC) in Armenia (2018) have called for a simplification of accreditation procedures and their de-bureaucratization in order to eliminate the unnecessary administrative burdens, both on election authorities and on observer organizations.

Remaining problematic aspects or practices related to accreditation of citizen observers include:

- Introduction of **additional accreditation requirements** as part of EMB regulations, not envisaged or going beyond the requirements stated in law (Opora in Ukraine, 2019 parliamentary, PromoLex 2019).
- With accreditation decisions being taken only several days before election day, organizations submit **inflated observer lists** in order to compensate for eventual rejections. This practice drained resources both of election commissions and of observer organizations (TIAC 2018).
- Unable to cope with a high number of observer accreditation requests, the EMB issued **blank accreditations** to be filled out by observer organizations themselves. This practice was burdensome for observer organizations, but also left room for abusive practices (TIAC, HCAV 2018).
- **Delays** in processing of accreditation requests, **rejections** of nominated observers based on omissions or irregularities in paperwork, and inquiries as to observers' employment, political affiliation and political goals pursued (EMDS 2018).
- **Refusals to accredit some international NGOs** as international observers on an argument that other reputable international organizations were already observing and that there was already a high number of observers (TIAC 2017).

- The legal stipulation that **accreditations expire** „on the day of the announcement of voting results by the corresponding commission“ may in practice result in observers being denied an opportunity to observe events and processes taking place after the announcement of results in polling stations, including post-electoral events and complaints and appeals process (Belarusian Helsinki Committee and Viasna, 2016).

A serious concern shared by a number of EPDE member organizations relates to the observed rise in politically-motivated domestic observation. Several election observation reports from Armenia, Azerbaijan, Belarus, Georgia, and Ukraine bring examples of organizations and NGOs with often evident political affiliations and agenda being accredited as citizen observers and portraying themselves as carrying out independent observation. Such organizations often operate without any clear or published methodologies, do not publish detailed reports about their observations, and commonly lack or have minimal previous observation experience. Despite effectively misusing the status of independent non-partisan election observation to manipulate perceptions and public opinion or to use it for political gains, activities by such organizations often appear to be tolerated by the authorities and EMBs. Often, no effective mechanisms appear to be in place to carry out background checks and to prevent accreditation of organizations or individual observers engaging in politically-biased observation (TIAC 2018, Committee of Voters of Ukraine (CVU) in Ukraine, 2019, Opora 2019 parliamentary). Such practices are seriously damaging for credible non-partisan election observation.

Access during the pre-electoral period

While laws in focus countries contain general requirements for the electoral process to be public and for observer access to it, in practice this did not always mean that citizen observers could freely follow all election-related processes and activities.

EPDE member organizations reported various challenges that impacted their work during pre-electoral periods:

1. **Need for greater inclusion, transparency and openness** of EMBs, lower-level commissions, other institutions involved in the organization of elections, and of local administrations towards citizen observers: While the conditions for observation and the level of access vary considerably across the countries, several organizations, including BHC and Viasna (2017), ISFED (2017), PromoLex (2019 parliamentary) and Opora (2019 presidential election), explicitly appeal to EMBs in their reports to see citizen observers as partners, not as opponents, as well as to adopt an inclusive approach and to expand opportunities of access to processes and election data and documentation.
2. **Lack of access to the deliberations by election commissions and to the decision-making process:** In Belarus, observers reported that they were not always granted access to meetings and working sessions during which the actual deliberations and discussions took place and could only attend meetings,

during which decisions were announced and formally voted upon. For instance, in connection with 2016 parliamentary elections and 2017 local elections, BHC and Viasna reported that they were unable to follow the processes of formation of election commissions and candidate signature verification and only had access to the information and meetings about the outcomes.

3. **Cases of differentiated treatment of international and citizen observers:** In connection with the 2019 presidential election in Ukraine, Opora noted that international observers may have enjoyed more privileged access than citizen observers. The CEC decided regarding the possibility for citizen observers to attend some meetings through a separate voting despite the fact that the right to attend meetings of commissions is granted to citizen observers by the law, while international observers were permitted to attend without any additional process.
4. **Pressure and intimidation:** Regrettably, citizen observer organizations in the focus countries reported various forms of pressure, harassment and intimidation of citizen observers.

Such practices, reported by virtually all EPDE organizations and in all focus countries, albeit in different magnitude, continue to considerably hamper the work of citizen observers:

- gathering of information about observers' place of residence, family and employment;
- threats of dismissal from jobs and of initiation of administrative proceedings;
- threats to family members;
- psychological pressure and verbal and physical attacks;
- cases of being followed, communication surveillance or checks being carried out;
- seemingly coordinated smear campaigns aimed at discrediting observer organizations and individual observers.

Election day observation

Laws in all focus countries offer general guarantees of observer access to election day proceedings. While provisions on election day observation are formulated broadly and inclusively in some countries – an approach that has been welcomed as being more conducive to free and unobstructed observation, other countries spell out more precisely and narrowly what processes can be observed and what information may be obtained.

In practice, EPDE organizations noted that the level of access during the observation of opening and voting in polling stations ranged from being overall satisfactory to good and very good. Citizen observer organizations reported that they were generally able to follow the relevant processes, albeit not without cases of arbitrary denial of access or observers being expelled from polling stations, as noted most frequently in Azerbaijan, Belarus and in Russia. The presence of observers in polling

stations was emphasized by observer organizations as having a clear restraining effect and impact on the quality of the process. Observers reported that they were able to prevent various malpractices, including regarding the presence of unauthorized persons and of attempted voting without an ID, group voting, and of ballots being taken out of polling stations. Some concerns raised in relation to this stage of the election day process included:

- Quantitative limitations on the numbers of observers per polling station (BHC and Viasna 2016, TIAC 2018);
- Observers being prevented from making photos and videos of irregularities despite this not being prohibited by law (BHC and Viasna 2016, HCAV 2017, ISFED 2018, and well as in Russia, 2018, 2019);
- Insufficient or, on the contrary, excessive provisions on when observers may be removed from polling stations (TIAC 2018).

However, EPDE member organizations have noted that the level of access and of transparency typically worsens during counting and tabulation, with these processes having been evaluated considerably more negatively. Most common concerns included:

- Observers being restricted in their movement within premises of polling stations during counting procedures and being placed too far from counting and sorting tables, resulting in observers not being able to see marks in ballots and to have a clear view of election commissions' operations (BHC and Viasna 2016, 2017, as well as in Russia, 2018);
- Results protocols not being issued to observers in all cases and/or not being posted for public scrutiny at polling stations (PromoLex 2019, EMDS 2016, 2018, as well as in Russia, 2018).

EPDE member organizations saw the publication of election results by EMBs with a breakdown to a polling station level as an important transparency and confidence building measure. It does not only grant voters a possibility to check the outcomes of voting in their individual polling stations, but also provides citizen observers and other interested parties with the necessary level of information to be able to verify whether results reported at a polling station level were accurately tabulated and duly reflected in nationwide election results. In absence of such provisions in law, recommendations were issued to introduce them, as was done by BHC and Viasna in connection with 2016 elections.

Election legislation in Armenia, Azerbaijan and Russia envisages the installation of video cameras in polling stations and streaming of recordings live online. Citizen observer organizations in these countries relied on the streamed recordings to supplement their direct observations and to obtain information from polling stations and areas that were not possible to cover by in-person observation. However, organizations see a need for improvement in the level of access to video recordings after election day. In Russia, stricter rules on access to video recordings were introduced ahead of the 2018 presidential election and allow citizens to obtain records only from

their individual polling stations upon stipulating what alleged violation took place and during what timeslot. In Armenia, TIAC (2018) made a recommendation in this respect that video recordings should be viewable on the CEC website after election day for a certain period of time, at least until the expiry of the deadline for challenging election results. It also recommended having recordings display polling station numbers and timer, recording sound in addition to video, and making recordings downloadable to facilitate review and analysis.

Access to justice and legal redress

Citizen observer organizations in the focus countries evaluate the complaints and appeal processes as part of observation, and in many countries, themselves submit complaints and appeals about the observed irregularities.

The right to seek legal redress is guaranteed by a number of international standards, including Article 13 of the European Convention on Human Rights and Article 2.3 of ICCPR. Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity. Paragraph 99 of the Explanatory Report of the VC Code of Good Practice in Electoral Matters states that "Standing in [electoral] appeals must be granted as widely as possible. It must be open to every elector in the constituency ... to lodge an appeal".

The focus countries have a varied approach with regard to the observers' right to file complaints. Positively, election legislation in Armenia, Azerbaijan, Belarus, Georgia, Russia and Ukraine explicitly allows observers to file election-related complaints. However, in Armenia and Belarus complaints may only be filed by observers with respect to violations of their individual rights, excluding, for instance, the possibility of challenging other irregularities in an electoral process and election results even if serious violations were observed and documented. In Moldova, observers and/or 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.

EPDE member organizations raised several concerns related to the complaints and appeals process:

- Observers not being permitted to enter remarks about observed malpractices into polling stations' logbooks (HCAV 2017, TIAC 2018);
- The fees levied for the submission of appeals to court constitute a considerable financial burden for citizen observer organizations and detract from the objective of ensuring public oversight over the legitimacy of elections (TIAC 2018);
- Complaints about restrictions on or violations of rights of observers were handled inadequately and in a biased manner. They were often dismissed or not satisfied on the basis of explanatory notes from commission members, who in a number of instances themselves accused observers of violating the law (ISFED 2017, 2018).

CONCLUSIONS AND WAY FORWARD

Over the last decade, citizen election observation has grown in popularity and evolved into a recognized form of citizen participation and oversight. It has proven crucial to ensuring the conduct of democratic elections and to long-term improvements in election legislation and practice. While gradually becoming more influential and accepted, there is clear room for improvement. Creation of favorable conditions for citizen observer organization is a goal, towards which different groups of stakeholders can contribute.

*“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.”*

Stefanie Schiffer, EPDE

- **Authorities:** Demonstrate through policies and action the political will to create the necessary conditions for citizen observers and the civil society at large to participate in governance of their respective countries. Create and promote a culture and environment of transparency, participation and inclusion.

- **Legislators:** Legislatively require transparency during all stages of the electoral process and increase attention to observation and rights of observers. Laws and regulations need to cater to greater access and guarantee freedom for citizen observers to operate without undue restrictions.
- **Election administrations:** Exercise openness and transparency in relationships with citizen observers and nurture the relationship of collaboration and partnership. Emphasize the rights of observers through training provided to election commissions.
- **Contestants and political parties:** Understand the objectives and the mandate of independent citizen observers and seek synergies and cooperation that do not result in undermining or blurring of roles.
- **International observer organizations:** Further strengthen the cooperation with and support to citizen observers. Emphasize the importance of follow-up to recommendations issued by all observers and involve citizen observers as equal partners.
- **Public:** Broader public information and debate about the benefits of observation is needed. This will cater to a better understanding of the role of observers and will help build public confidence and support for professional and independent citizen observation.

RECOMMENDATIONS

In addition, the following recommendations are made with regard to regulation and practice on citizen election observation in individual focus countries:

ARMENIA:

Parliament: Restore in law the right of observers and observer organizations to file complaints with regard to broader electoral violations and election results;

Parliament: Consider waving fees for lodging complaints with courts for civil society organizations;

CEC: Review observer accreditation regulations to guarantee efficient and uncomplicated requirements and processing, while at the same time ensuring due oversight and control over the process.

AZERBAIJAN:

Government, parliament: Ensure the freedom of assembly and association through liberalization of laws, which restrict the work and funding of civil society organizations, and create permissive and enabling conditions for establishment and registration of election monitoring NGOs;

CEC: Simplify accreditation procedures to provide less room for arbitrary interpretation and develop an online

mechanism for registration of domestic and international observers;

Lower-level commissions, local authorities: Ensure in practice the possibility for citizen observers to operate freely, without any obstruction, pressure and intimidation.

BELARUS:

Government, parliament: Review the legal framework governing registration and activities of civil society organizations, including those engaged in election monitoring, to create permissive and enabling conditions for their work;

Parliament, CEC: Explicitly stipulate the right of observers to monitor all the aspects of work of election commissions, including verification of signatures and other documents for candidate registration, and to inspect voter lists;

CEC, lower-level commissions: Improve the transparency of the counting and tabulation processes by granting the possibility for observers to move freely around polling stations and to have an open view of counting tables and of marks in ballots;

CEC, lower-level commissions: Consider granting the right to observers registered with district and territorial

election commissions to attend and observe the procedures for the transfer of ballot papers and protocols with voting results from polling stations to higher-level commissions.

GEORGIA:

Government, local authorities: Government officials should refrain from attacking and intimidating observer organizations and their leaders with the aim of discrediting them or undermining their reputation, both directly and indirectly, through campaigns waged by other individuals;

CEC, lower-level commissions: Complaints filed in connection with restrictions of observer rights should be considered in an objective and impartial manner, with substantiated decisions made;

CEC: Trainings for precinct and district commissions should focus on the importance of independent election observation and the etiquette of relationships with observers.

MOLDOVA:

Parliament: Stipulate in law an incompatibility of the status of observer with membership in political parties and with the status of an elected local official;

CEC, lower-level commissions: In compliance with legal requirements, grant in practice the right of observers to

access and view electoral documentation, including the electoral lists and the register of complaints.

Polling stations: Observe the CEC instructions on the layout of polling stations in order to guarantee in practice unobstructed observation by ensuring that observers have a clear view of the electoral process.

RUSSIA:

Parliament: Amend legislation to guarantee direct independent and non-partisan citizen observation of the entire electoral process.

Parliament: Abolish the “foreign agents” law and lift arbitrary restrictions on the work of non-governmental organizations, including citizen observer groups.

Government: Withdraw the listing of EPDE as an “undesirable foreign organization” as a measure that isolates and discredits the critical civil society in Russia and prevents cross-border cooperation.

UKRAINE:

CEC: Refrain from the practice of granting permission to attend the CEC meetings to electoral subjects whose right to attend the meetings is guaranteed by law;

CEC: Ensure equal treatment of domestic and international observers;

CEC: Consider ways of safeguarding professional and independent citizen observation and limiting the space for politically-motivated election observation.

EPDE AND ITS MEMBERS

EPDE was set up in December 2012 in Warsaw by 13 independent European citizen election observation organizations. The aim of EPDE is to support citizen election observation and to contribute to democratic election processes, both in the EU and in EU-Eastern neighborhood countries.

EPDE member organizations have considerable experience in election observation and in helping their respective countries conduct genuinely democratic elections. Collectively, they observed over 80 electoral processes domestically and many contributed to election observation internationally. They deploy continuously growing numbers of observers, both long and short-term, and assess electoral processes comprehensively, providing independent evaluations of all the key processes and stages – from the pre-electoral campaign to post-election developments. Through their observation work, reports published, and recommendations offered, they strive to improve election legislation and practice, in line with international obligations and standards and national

laws. Beyond the observation work, EPDE member organizations carry out other activities throughout the electoral cycle, including voter information and education campaigns to promote political engagement, to encourage informed voting, and to increase voter participation.

Most of EPDE member organizations are signatories of the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations, which was launched in 2012 and now endorsed by more than 290 citizen observer groups in 93 countries and supported by 13 key intergovernmental and international non-governmental organizations. Many are also members of renowned election observation networks, such as the Global Network of Domestic Election Monitors and the European Network of Election Monitoring Organizations. All EPDE member organizations apply established and published methodologies, based on the principles of impartiality, independence, non-interference, and transparency.



See more reports in the “Documents“ section on www.epde.org

Subscribe to our monthly newsletter on www.epde.org/en/newsletter.html

Visit our social media channels on

 facebook.com/epde.electionsmonitoring

 [@epde_org](https://twitter.com/epde_org)

The EPDE members are:

Belarusian Helsinki Committee BHC (Belarus)
Committee of Voters of Ukraine CVU (Ukraine)
Election Monitoring and Democracy Studies Center EMDS (Azerbaijan)
European Exchange (Germany)
Helsinki Citizens' Assembly Vanadzor (Armenia)
Human Rights Center Viasna (Belarus)
International Elections Study Center IESC (Lithuania)
International Society for Free Elections and Democracy ISFED (Georgia)
Norwegian Helsinki Committee NHC (Norway)
Civil Network OPORA (Ukraine)
Promo-Lex Association (Moldova)
Stefan Batory Foundation (Poland)
Swedish International Liberal Centre SILC (Sweden)
Transparency International Anticorruption Center (Armenia)