

OSCE Human Dimension Implementation Meeting
Working Session 14: Democratic Institutions
Wednesday, 3 October, 2007

Introduction by Mr. Gerald Mitchell
Head of the OSCE/ODIHR Election Department

In the Charter of Paris for a New Europe, OSCE participating States undertook “to build, consolidate and strengthen democracy as the only system of government for our nations”. Furthermore, participating States took a historic step when they adopted the landmark 1990 Copenhagen Document, underscoring fundamental civil and political rights, as well as providing a set of criteria for democratic elections more advanced than any other intergovernmental agreement to date.

In addition, the Copenhagen Document was the first political agreement among states to institutionalize election observation by extending a standing invitation to observe each other’s electoral proceedings. This commitment applies equally to all participating States, and underscores the fact that human dimension issues are not internal affairs, but matters of immediate and legitimate concern to all participating States.

The participating States also committed themselves to the presence of domestic observers. Domestic election observation, both partisan and non-partisan, enhances the transparency of an electoral process. The ODIHR is very concerned whenever barriers are erected to obstruct domestic observation, including through legislation, and reminds participating States that such barriers contradict OSCE commitments.

In supporting OSCE participating States to meet their commitments, the ODIHR has continued to deliver its election observation mandate in accordance with the documents of Copenhagen and Paris 1990, Rome 1993, Budapest 1994 and Istanbul 1999. While the OSCE has engaged in an exhaustive discussion in recent years on election observation as an activity, this should not be at the expense of maintaining the focus on the implementation of agreed upon election commitments.

While the ODIHR can note general improvements in the conduct of elections in a number of participating States, in others concerns remain. I will briefly review some of the disturbing trends regularly identified in some participating States during the course of ODIHR election observation missions, many of which are identified in the 2006 Common Responsibility report:

1) Limitations to the right to be elected

One of the main problems encountered in some participating States is that administrative rules are used to keep specific candidates and parties off the ballot or to de-register candidates during the campaign. In these instances, the right of citizens to seek political or public office without discrimination is not fully guaranteed. Such circumstances could lead to a lack of genuine choice for the voting public.

2) Limitations to a free campaign environment

Some participating States fail to create conditions that permit parties and candidates to campaign freely on an equal basis, thus not ensuring a level playing field. It is the responsibility of the government to ensure that

public and administrative resources, both material and human, are not abused in support of any particular parties or candidates. Throughout the electoral process, a participating State also has a duty to prevent intimidation of candidates and voters, and to act impartially. Intimidation can have an insidious effect, particularly when perpetrated by the state or its representatives.

3) Inequitable access to media

In some participating States, electoral contestants have experienced difficulties with equitable access to media. In such circumstances, contestants are not able to convey their messages to the electorate on an equal basis, and voters are denied the information they need to make an informed choice. State media has a special responsibility in this regard.

4) Lack of transparency and accountability during the vote count and tabulation

The ODIHR observation experience indicates that in some participating States, non-transparent, and even fraudulent procedures, take place during the counting of votes and the tabulation of results. OSCE commitments require that votes be counted and reported honestly with the official results made public.

5) Challenges to universal and equal suffrage due to deficiencies in voter registration

An ongoing problem in some participating States is inadequate provisions for the registration of voters and accuracy of the voter lists. The right to

universal and equal suffrage is not fully guaranteed whenever a person can be unduly omitted from the voters list, or if inaccuracy in the list makes fraudulent voting possible.

6) Election administration bodies that do not enjoy public confidence

The OSCE/ODIHR election observation experience has revealed that the accountable and transparent administration of elections, free from government interference, is a critical issue that has impeded democratic elections in some OSCE participating States. To ensure genuinely democratic elections, the election administration must perform its duties in a politically impartial and administratively effective manner. No matter what model of election administration is used, the election administration structures must accommodate the principles of impartiality, transparency, accountability, efficiency and inclusiveness.

7) Inadequate complaints and appeals procedures

The election system must provide effective and timely mechanisms and remedies for the protection of electoral rights at all stages, including voter registration, political party and candidate registration, the allocation of state resources and access to media, campaign activities, and the vote, count, and declaration of results. The ODIHR election observation experience, however, has shown that some participating States have experienced shortcomings in this regard. The legal framework should provide a clear, understandable, singular, hierarchical complaint and appeals process that defines the role of each level of election commission and each level of court.

While the ODIHR is committed to assisting participating States in realizing their commitments, in order for real progress to be achieved, a commensurate level of political will must be evident. Modifying the legislative and administrative framework for elections is not sufficient to guarantee elections in line with OSCE commitments.

At the Istanbul Summit, participating States agreed to promptly follow-up on ODIHR's election assessments and recommendations. In this context, there have been suggestions on strengthening reporting on how participating States are implementing ODIHR recommendations, for example by the Group of Eminent Persons.

Finally, in order to keep the OSCE at the forefront of developing norms for democratic elections, the ODIHR would like to remind participating States of its 2005 Explanatory Note on additional commitments to supplement the existing ones, which emphasised principles of transparency, accountability and public confidence.

In the face of the challenges I have outlined, I would like to thank participating States for recognizing the value of the ODIHR election observation mandate through their regular support and assistance.