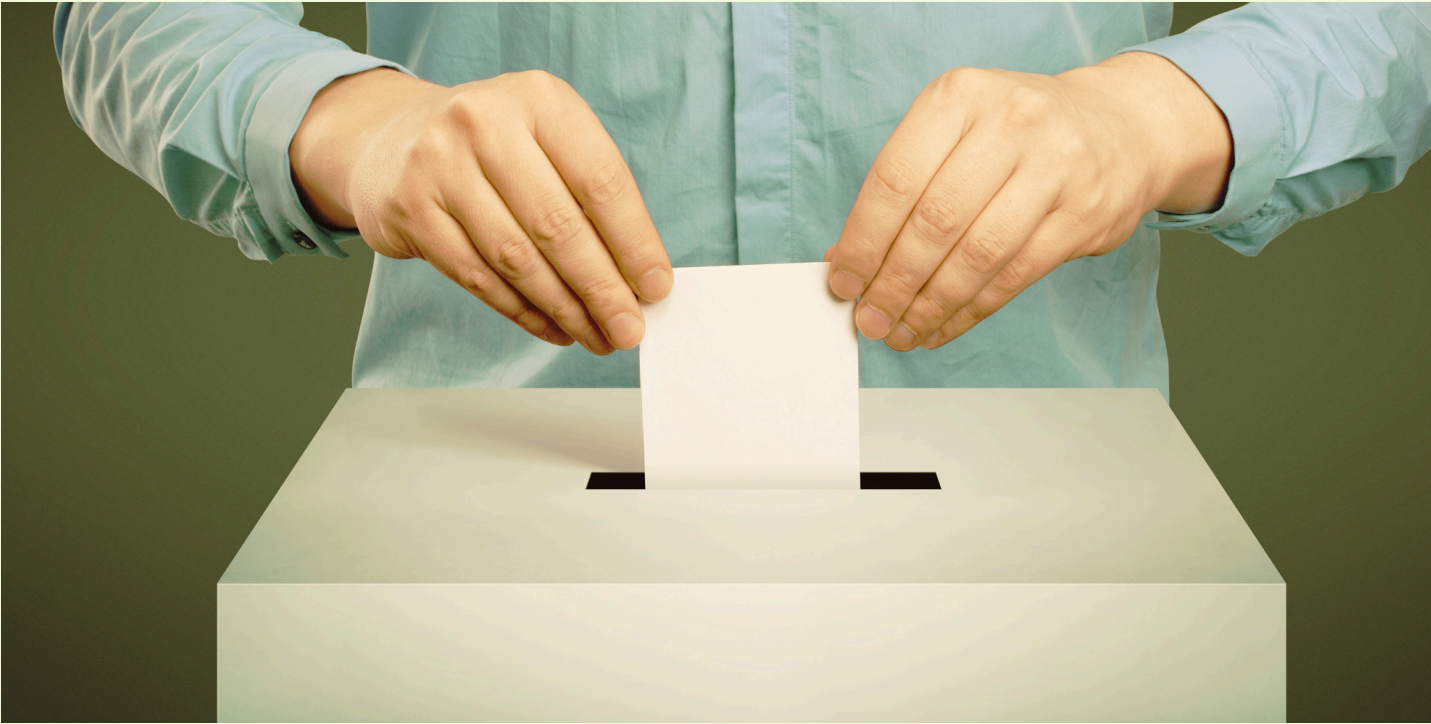


# Monitoring the Ballot: Election Supervision and Observation



**By Adriana Mutu**

February 2025

# Project Brief

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This publication is within the project entitled "**Media Reform to Enhance Freedom of Expression in Lebanon**", implemented by **Maharat Foundation, Legal Agenda** and the **Media and Journalism Research Center (MJRC)** with the support of the **Delegation of the European Union to Lebanon**.

The project aims at enhancing Freedom of Expression in Lebanon through the promotion of media law reform as a priority on the national agenda and improvement of the environment for media coverage on the transparency and accountability of elections process.

The project supports the publication of background papers produced by Maharat Foundation on the local Lebanese context and by MJRC on the European standards and best fit recommendations for Lebanon.

The papers cover **eight** main themes:  
protection of journalists and their sources, associations of journalists, decriminalization of free speech, incentives and innovation among journalistic startups, regulation, co-regulation and self-regulation opportunities for the media, modernization of media regulation, regulation of social media and elections, and grounds for elections supervision and monitoring.



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### Media and Journalism Research Center (MJRC)

**MJRC** is an independent media research and policy think tank that seeks to improve the quality of media policymaking and the state of independent media and journalism through research, knowledge sharing and financial support. The center's main areas of research are regulation and policy, media ownership and funding, and the links between tech companies, politics and journalism.

### Maharat Foundation

**Maharat Foundation** is a women-led freedom of expression organization based in Beirut dedicated to campaigns grounded in research and strengthening connections between journalists, academics, and policy makers. It advances and enables freedom of expression, quality information debate and advocates for information integrity online and offline. Maharat promotes innovation and engages the journalistic community and change agents within Lebanon and the wider, MENA region to promote inclusive narratives and debates and to counter misinformation, disinformation, and harmful content.

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# 1. Executive summary

Human rights, the rule of law, and democracy are the three pillars of European constitutional heritage[1]. Democracy is inconceivable without elections held in accordance with the constitutional principles of electoral law and principles of the rule of law that lend them their democratic status. The right to vote and to stand for elections represent a fundamental principle of European electoral heritage. The “Code of Good Practice in Electoral Matters”, adopted by the Venice Commission at its 52nd session in October 2002, states that “the five principles underlying Europe’s electoral heritage are universal, equal, free, secret and direct suffrage”[2] (item I). The core principles of Europe’s electoral heritage include international standards that ensure electoral integrity, such as Article 25 (b) of the International Covenant on Civil and Political Rights[3], Article 3 of the Protocol to the European Convention on Human Rights[4], and the right to direct elections admitted by the Strasbourg Court[5]. A key requirement for upholding these fundamental principles is the protection of basic rights, especially freedom of expression and the press, freedom of movement within the country, freedom of assembly, and freedom of association for political purposes, including the formation of political parties. “Restrictions of these freedoms must have a basis in law, be in the public interest and comply with the principle of proportionality”[6]. Other conditions include regulatory levels and stability of electoral law, procedural guarantees, including the organization of elections by an impartial body, observation of elections, and an effective system of appeal.

The complexity of the electoral process - which involves many participants, including voters, candidates and members of the electoral administration - sets the precondition for non-partisan election supervision, monitoring, and observation, to ensure electoral integrity and the validity of the electoral outcome. An election is not just a single-day event; it is a process that unfolds over several stages, which include designing the legal framework, setting up election management bodies, registering voters, registering political parties and candidates, conducting campaigns, and the voting, counting, and tabulation of results, and managing complaints and appeals[7].

[1] Venice Commission and the Council of Europe. (2002). Code of Good Practice in Electoral Matters.

[2] Venice Commission. (2002). Code of Good Practice..., cit.

[3] United Nations. (1948). The Universal Declaration of Human Rights.

[4] Council of Europe. (1999). Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11.

[5] Council of Europe/European Court of Human Rights. (2024). Guide on Article 3 of Protocol No. 1 to the European Convention on Human Rights.

[6] Venice Commission. (2002). Code of Good Practice..., cit.

[7] European Union. (2016). The Handbook for European Union Election Observation. Luxembourg. Publication Office of the European Union.

The quality of an electoral process often mirrors the democratic nature of the governance that precedes it and serves as a significant indicator of the type of government that emerges from the election[8]. The electoral process begins when election day is announced and concludes when the votes are translated into official seats and credentials are granted to those elected. The primary aim of the electoral process is to facilitate “a rotation in political power. The fact that elections form the basis of the entire democratic framework must also be emphasized. As a result of this factor, any defect in the manner in which elections are conducted potentially has more severe consequences than the effect a defect may have on other types of process. It could therefore be claimed that the flaws which exist in the electoral process, if not duly remedied, may go so far as to cast doubt upon the very foundations on which the system is built” [9].

Monitoring the electoral process is common in many European legal systems, and depending on the national electoral law, the constitutional setup, and the organization of the judicial power in a state, electoral monitoring is under the scrutiny of ordinary courts or courts specialized in electoral matters. Electoral monitoring bodies are tasked with overseeing the fairness of elections, upholding a fundamental democratic principle by ensuring compliance with established legal procedures. Bodies responsible for electoral monitoring must have the authority to prevent misuse of public power, protecting fundamental rights in the electoral process[10]. First, they guarantee active and passive suffrage, ensuring that voting is individual, equal, free, and confidential, while also preventing unlawful restrictions on eligible candidates. Second, they oversee freedom of expression and association, allowing participants to freely present their political platforms and ensuring the media can convey various electoral messages. Finally, they promote equality among candidates by preventing the misuse of power for personal gain and ensuring compliance with campaign funding regulations.

On the other hand, observations of elections represent a prerequisite underlying Europe’s electoral heritage. The landmark Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE[11] (Conference on Security and Co-operation in Europe) formulated in Copenhagen in 1990 ratifies the OSCE Participating States’ commitment to abide by fundamental democratic principles and institutionalizes election observation in all participating States. The OSCE Office for Democratic Institutions and Human Rights (ODIHR)’s mandate to observe elections comes from the OSCE commitments outlined in the 1990 OSCE Copenhagen Document.

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[8] Venice Commission and GNDEM. (2012). Declaration of Global Principles for non-partisan election observation and monitoring by citizen organizations and Code of Conduct for non-partisan citizen election observers and monitors. CDL-AD(2012)018.

[9] Paloma Biglino Campos. (2010). Introduction. In *Supervising electoral processes: Science and technique of democracy* No. 48. Council of Europe Publishing.

[10] Paloma Biglino Campos (2010). Introduction..., cit.

[11] OSCE. (1990). Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.

According to the Declaration of Principles for International Election Observation[12], international election observation focuses on civil and political rights and should honor the sovereignty of the host country and uphold the human rights of its citizens. Such observation can take place through various formats, including individual international observer missions, temporary joint missions, or coordinated international observation efforts. The most systematic methodology of election observation was developed by ODIHR and includes practical guidelines covering the four phases of an election observation mission: pre-election, election, immediate post-election, and the extended post-election phase. ODIHR is the leading agency in Europe in the field of election observation, coordinating and organizing observation missions each year, involving thousands of observers, to evaluate election compliance in OSCE participating States according to OSCE commitments, other international obligations, and standards for democratic elections, as well as national laws[13]. Over the last 30 years[14], ODIHR has observed more than 400 elections across 57 countries within the OSCE area, ensuring long-term security and stability[15].

The main objectives of this background report are to screen and map out the extant electoral legislation and the electoral administration in Europe, and to identify international norms of democratic elections supervision, observation, and monitoring of elections for presidencies or national parliaments. The methodology for the study consisted of comprehensive desk research based on an extensive review of interdisciplinary primary and secondary academic literature, international election observation missions handbooks, election observation methodologies, parliamentary committee meetings reports, policy and industry reports, governmental websites, relevant European enforced legislation, national strategies, and official documents. Information on electoral processes, international electoral standards and practices was collected from reports, handbooks, opinions, recommendations, studies, and other documents published by the OSCE/ODIHR, the Venice Commission, the “Code of Good Practice in Electoral Matters” adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002), the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the Council of Europe, the Parliamentary Assembly, the Committee of Ministers of the Council of Europe, and the Congress of Local and Regional Authorities, as well as academic and policy works.

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[12] Venice Commission & UNEAD. (2005). Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers and Pledge to accompany the Code of Conduct for International Election Observers. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2005\)036-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2005)036-e)

[13] ODIHR. (2024). Terms of Reference. <https://www.osce.org/files/f/documents/a/a/509936.pdf>

[14] European Parliament. (2024). Election Observation.

<https://www.europarl.europa.eu/globaldemocracysupport/en/elections/election-observation>

[15] Matteo Mecacci. 2024 – a momentous year for election observation. 5 February 2024. OSCE. <https://www.osce.org/blog/562362>

The OSCE/ODIHR election handbooks consulted for this report include: the Handbook for the Observation of New Voting Technologies, the Handbook for the Observation of Information and Communication Technologies (ICT) in Elections, the Handbook for the Observation of Election Administration, the Handbook for the Observation of Election Campaigns and Political Environments, the Guidelines for Observation of Election Campaigns on Social Networks, A Booklet about: Watching Elections and Helping People with Disabilities take part in Elections, the Handbook for the Observation of Election Dispute Resolution, the Handbook on the Follow-up of Electoral Recommendations, the Handbook for the Observation of Campaign Finance, the Handbook for Long-Term Election Observers, the Handbook on Media Monitoring for Election Observation Missions, the Handbook for Domestic Election Observers, and the Handbook for Monitoring Women's Participation in Elections. Experiences from ODIHR's Election Observation of the 2024 European Parliament Elections are included in the analysis and have an illustrative character.

The report is structured as follows. The Introduction clarifies the fundamental pillars of a free and fair democratic election and discusses the key standards for democratic elections, monitoring, and assessment criteria covered in many political and legal declarations. It starts with the premise that election monitoring and observation are crucial in preventing and detecting intentional deception and electoral fraud. A comprehensive overview of relevant legal instruments and regulatory frameworks in support of democracy and International human rights obligations is introduced in the following sections, analyzing the role of central electoral management bodies in overseeing elections, electoral law obligations, standards for the election process, electoral good practice, and the conditions and requirements for election-related activities. The mandate for comprehensive, independent, and impartial EU electoral assistance and observation is discussed in relation to the methodology recommended by ODIHR. Regulatory frameworks and operational phases of an EU election observation mission, the EU principles of evaluating and observing election day to ensure compliance with international standards, and the media-monitoring methodology implemented in election observation activities are reviewed in Sections IV and V. Section VI focuses on the use of information and communication technologies (ICT) and new voting technologies (NVT) in elections, while Section VII discusses the UN Electoral Assistance framework. Experiences from the OSCE observations of the 2024 European Parliament Elections in Participating States are highlighted in Section VIII. The subsequent sections provide conclusions and recommendations for Lebanon.



## 2. Introduction

Universal and equal suffrage are the fundamental pillars of a free and fair democratic election. Inclusiveness, transparency, accountability, and the right to access information are essential for fostering public trust and confidence in the electoral process, as clarified in the European Commission for Democracy Through Law (Venice Commission) Report: “Electoral processes are part of a compact between citizens and the government that represents them. Elections are indicative of how a government treats and respects citizens through a wide range of institutions and processes. (...) A State’s openness to an international scrutiny of an electoral process bodes well for the prospects of a further fine-tuning of its democracy. By contrast, a State’s unwillingness to invite international election observers is a criterion in itself and should give rise to serious concerns and be followed up by international institutions, even though there is no legal obligation of a State to invite international observers”[16].

The landmark Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE[17] (Conference on Security and Co-operation in Europe) formulated in 1990 ratifies the OSCE Participating States’ commitment to abide by fundamental democratic principles and institutionalizes election observation in all participating States. Section I, Paragraph 7 of the Document clarifies the commitments of OSCE Participating States:

- (7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will
  - (7.1) — hold free elections at reasonable intervals, as established by law;
  - (7.2) — permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
  - (7.3) — guarantee universal and equal suffrage to adult citizens;
  - (7.4) — ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
  - (...)
  - (7.7) — ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
  - (7.8) — provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

[16] Venice Commission. (2010). Report on the timeline and inventory of political criteria for assessing an election. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)037-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)037-e)

[17] OSCE. (1990). Document of the Copenhagen..., cit.

Section I, Paragraph 8 of the Copenhagen Document clarifies that “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings”. Section II, Paragraph 12 of the Copenhagen Document emphasizes transparency in legal proceedings as essential for upholding human rights commitments under the CSCE, establishing that member states should allow observers, including representatives from other CSCE states, NGOs, and other interested parties, to attend court proceedings to build trust and ensure accountability.

ODIHR’s extensive experience in observing elections in the entire OSCE region is recalled in the publication “Election Observation - A decade of monitoring elections: the people and the practice”[18]. Election observation is defined as “one of the most transparent and methodical ways to promote and encourage democracy and human rights.”[19]. The role of international observers and the composition of standard election observation mission[20] is outlined in the document, as follows:

1. Officials from ODIHR. This usually includes the ODIHR Director, the Head and Deputy Head of the Election Department, the Election Adviser responsible for the particular country where the election is being held, the ODIHR Spokesperson, as well as support staff;
2. The mission core team, which includes the Head and Deputy Head of mission; professional analysts with experience in the areas of media analysis, electoral systems, political issues, law, and women’s and national minority issues; logisticians, statisticians, and finance officers;
3. Long-term observers, who are deployed to regional centres throughout the country six to eight weeks before election day;
4. Short-term observers, who arrive several days before voting and leave a day or two after voting;
5. Parliamentarians, who join the short-term observers for election day observation, representing bodies such as the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament. The OSCE Chairman-in-Office regularly designates a senior member of the OSCE Parliamentary Assembly to be a Special Coordinator to lead the short-term observers for a particular election, and this person works closely with the ODIHR Head of Mission;
6. National support staff, including administrative assistants; logistics assistants; assistants for each member of the core team, who usually have some expertise in the relevant area; translators and drivers.

[18] OSCE. (2005). Election Observation - A decade of monitoring elections: the people and the practice. <https://www.osce.org/odihhr/elections/17164>

[19] OSCE. (2005). Election Observation..., cit.

[20] OSCE. (2005). Election Observation..., cit.

The electoral process is complex, and the principles of a democratic election involve the unrestricted and non-discriminatory exercise of the following rights[21]:

- The right to equality and non-discrimination;
- The right to associate into political organisations, such as political parties, candidate support organisations or groups favouring or opposing referenda propositions;
- The right to assemble peacefully for meetings, rallies and to otherwise demonstrate support for electoral competitors in locations easily accessible to the general public;
- The right to move freely, inter-alia, to build electoral support;
- The right to be free of the threat of violence or other forms of coercion, while making political choices or exercising political expression;
- The right to hold political opinions without interference;
- The right to freedom of political expression, including the freedom to seek, receive and impart information and ideas in order to develop informed choices required for the free expression of the will of the electors;
- The right to equitable access to public media in the electoral context;
- The right to an effective remedy for the violation of protected rights.

For the purpose of this report, relevant legal frameworks for election observation and assessment include:

- Identification of electoral irregularities by statistical methods - CDL-AD(2018)009
- Declaration of Global Principles for non-partisan election observation and monitoring by citizen organizations and Code of Conduct for non-partisan citizen election observers and monitors - Initiated by the Global Network of Domestic Election Monitors (GNDEM) - CDL-AD(2012)018
- Timeline and inventory of political criteria for assessing an election - CDL-AD(2010)037
- Figure based management of possible election fraud - CDL-AD(2010)043
- Cancellation of election results - CDL-STD(2010)048
- Guidelines on an internationally recognised status of election observers - CDL-AD(2009)059
- Guidelines on Media Analysis during Election Observation Missions - CDL-AD(2009)031
- Internationally recognised status of election observers - Summary of Recommendations - CDL-AD(2009)026
- Internationally recognised status of election observers - report - CDL-AD(2009)020rev
- Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers and Pledge to accompany the Code of Conduct for International Election Observers prepared by the United Nations Electoral Assistance Division (UNEAD), the National Democratic Institute for International Affairs (NDI), and the Carter Center (TCC) - CDL-AD(2005)036
- Election Evaluation Guide - CDL-AD(2006)021
- Election Observation Form - CDL-AD(2005)013

[21] Venice Commission. (2010). Report on the timeline..., cit.

The mandate for comprehensive, independent and impartial EU electoral assistance and observation is established in the Communication from the Commission on EU Election Assistance and Observation, COM(2000)191[22]. The Communication outlines the appropriate legislative and regulatory framework which ensures respect for the rule of law in electoral processes and distinguishes between electoral assistance and electoral observation. Election assistance refers to the technical and material support provided to electoral processes, which can include establishing a legal framework for elections, supplying voting materials, and aiding in the registration of political parties and voters. It may also involve supporting NGOs and civil society in voter education, training local observers, and providing media training. Election observation complements this assistance by systematically gathering information about elections to assess their conduct.

International election observation is guided by principles of coverage, impartiality, transparency, and professionalism, with the aim of reinforcing democracy, legitimizing electoral processes, boosting public confidence, deterring fraud, upholding human rights, and helping to resolve conflicts. The EU seeks to cooperate with international actors such as the OSCE and the United Nations to strengthen electoral processes, assist independent electoral commissions, provide material, technical, and legal aid for election, promote the inclusion and participation of underrepresented groups (women), and train election observers. EU electoral missions must have a clear mandate from EU institutions. An exploratory mission is recommended as a standard practice, and its mandate should involve assessing the host country's willingness to engage with the EU, proposing the scope of EU electoral participation, and identifying necessary improvements in the electoral process. To coordinate electoral activities, an EU Electoral Unit with a core team should be established, including roles such as an Executive Coordinator, a Media Officer, a Finance and Administration Head, logisticians, and a training expert. All members report directly to the Head of the EU Election Unit. A Technical Assistance Team should be deployed early to contribute to training local participants, enhancing their effectiveness and gathering valuable information for the EU Election Unit. This team may consist of various specialists, including those focused on campaign financing, civic education, training for specific groups, capacity building for NGOs, media training, and domestic observation.

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[22] EU Commission. (2000). Communication from the Commission on EU election assistance and observation. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52000DC0191>

The criteria for the assessment of the elections process are established by the Venice Commission Report on the timeline and inventory of political criteria for assessing elections[23]. The Report establishes that the election assessment begins one year prior to the vote. The second phase starts when the election is officially announced. The third phase begins with the launch of the electoral campaign, while the fourth phase covers the voting day itself and the vote counting process. The final stages include the declaration of results, followed by a period for lodging complaints.

Identification of fraud, manipulation, electoral irregularities, and electoral malpractice that can lead to questioning the legitimacy and integrity of elections are assessed in the Report on the identification of electoral irregularities by statistical methods, taken note of by the Council for Democratic Elections and by the Venice Commission[24]. The report clarifies the role of international election observers and specialists in detecting fraud throughout the various stages of the electoral process. Election integrity can also be compromised in other parts of the election process; a list of possible malpractices[25] includes the following:

- restrictions or de-facto hurdles in the registration of candidates or voters;
- restrictions on the right to assembly, on campaigns, or the use of public resources and media for campaigning;
- use of coercion or threats to affect citizens' participation in elections;
- vote buying;
- partisan bias in the electoral rules;
- alteration of the ballot or ballot-box stuffing;
- rigging the election count or the reporting of the count;
- preventing elected officials from taking office;
- depriving elected bodies of their decision-making power.

Triangulating statistical evidence with information provided from foreign election observation missions is considered an international norm that could strengthen election behavior. Hyde's research[26] demonstrates that inviting foreign election observers has become a widely recognized international norm. Election observation was accepted as compatible with state sovereignty, reinforcing the belief that true democracies always invite observers and secure their approval.

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[23] Venice Commission. (2010). Report on the timeline..., cit.

[24] Venice Commission. (2018). Report on the identification of electoral irregularities by statistical methods. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)009-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)009-e)

[25] Venice Commission. (2018). Report on the identification..., cit.

[26] Susan D. Hyde. (2011). Catch Us If You Can: Election Monitoring and International Norm Diffusion. *American Journal of Political Science*. 55(2): 356-369.

## 3. Institutional context of elections in international perspective

### 3.1 Election observation

The first Report on an internationally recognized status of election observers[27] was adopted by the Venice Commission at its March 2009 session. The Report recalls the role, mission and the typologies of election observers - partisan national observers, non-partisan national observers, and international (non-partisan) observers. The community of international observers can be formed by:

- Members of international parliamentary assemblies: Council of Europe Parliamentary Assembly (PACE), OSCE Parliamentary Assembly, European Parliament (EP), NATO Parliamentary Assembly, Pan-African Parliament, the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (CIS IPA), Interparliamentary Union (IPU);
- Representatives of international organisations and institutions: United Nations, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Congress of Local and Regional Authorities of the Council of Europe, European Commission, Organisation of American States (OAS);
- Think tanks and non-governmental organisations (“NGOs”) involved in election observation and administration: the Carter Centre, National Democratic Institute (NDI), former “International Foundation for Election Systems” (IFES), European Network of Election Monitoring Organisations (ENEMO).

The underlying motivation for formally recognizing the status of election observers is outlined by the Parliamentary Assembly Committee and cited in Paragraph 7 of the 2009 Report[28]: “observation missions deal with the level of legitimacy or credibility of an election”, considering the risk that national authorities may “be tempted to impose unacceptable constraints on observers or question the legitimacy/credibility of election observers when the latter are expected to be – or indeed are – critical of the election process” and of “a risk of ‘forum shopping’”, “an internationally recognised status of election observers could reinforce the impact and the credibility of election observation”.

[27] Venice Commission. (2009). Report on an internationally recognised status of election observers. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2009\)020rev-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2009)020rev-e)

[28] Venice Commission. (2009). Report on an internationally..., cit.

The 2009 Report also emphasizes the need to clearly differentiate between traditional election oversight and the more recent concept of “election observation”. Traditional election controls are rooted in principles of publicity, transparency, and the fundamental rights of both national citizens and foreigners, and they are a standard feature of established democracies. In contrast, the newer notion of election observation has emerged over the past two decades alongside the rise of democratic transitions and is more limited and provisional. While traditional oversight is primarily undertaken by national, partisan political actors, election observation relies significantly on international organizations that send teams of observers to monitor the electoral process.

The Report also recalls the existing international texts on the role of domestic and international observers (Paragraph 26):

- The Declaration of Principles for International Election Observation as established by the United Nations on 27 October 2005 (This refers only to international observation) (CDL-AD(2005)036);
- The Copenhagen Document, 1990, OSCE;
- The Convention on Standards of Democratic Elections, Electoral Rights and Freedoms in the member states of the Commonwealth of Independent States, 7 October 2002 (CDL-EL(2006)031) which stipulates the rights of national and international observers;
- The Code of Good Practice in Electoral Matters, Venice Commission (CDL-AD(2002)023rev).

Definitions and procedures in international elections are specified in the Declaration of Principles for International Election Observation (CDL-AD(2005)036)[29]. The document clarifies that international election observation “is part of international human rights monitoring” and “has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes”. International election observation is defined as:

“the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation[30].”

[29] Venice Commission & UNEAD. (2005). Declaration of Principles..., cit.

[30] Venice Commission & UNEAD. (2005). Declaration of Principles..., cit.

The Declaration of Principles for International Election Observation further clarifies that international election observation involves comprehensive evaluation of the electoral process before, during, and after elections. This includes long-term observation and specialized missions that may focus on specific issues, such as voter registration and the use of technology. The observation process assesses conditions affecting voting rights and identifies barriers to participation based on various factors, such as discrimination. The findings serve as a factual reference for all stakeholders, especially in contentious elections, where impartial reports can help reduce conflict.

The status of election observers is further clarified in the Guidelines on an internationally recognised status of election observers[31] elaborated on and adopted by the Council for Democratic Elections at its 31st meeting (Venice, 10 December 2009) and by the Venice Commission at its 81st plenary session (Venice, 11-12 December 2009). The Guidelines state that any effort to establish an internationally recognized status for election observers must acknowledge that this status corresponds to a particular role. The uniqueness of election observers lies in their function of observation and assessment. Unless specified otherwise, the term “domestic observers” encompasses both party-affiliated and non-partisan observers. Both international and domestic election observers should enjoy the same rights and freedoms, and their explicit protection should be ruled in domestic electoral legislation. Protecting observers is also requested in the OSCE/ODIHR Handbook for domestic election observers[32]. Election observation should aim to identify any irregularities that occur before, during, and after election day, and to confirm whether the election adheres to both domestic laws and international standards for democratic elections. Observers must be able to recognize whether the laws or actions of the state or electoral officials unjustly hinder the exercise of election-related rights protected by law, the constitution, or relevant international human rights agreements. The quality of the legislative framework is critical and must be evaluated for necessary amendments and new regulations.

Election observation is categorized into three phases: pre-voting, voting day, and post-voting[33]. During the pre-voting phase, observers should assess various aspects of the electoral process, which includes monitoring the drafting or amending of electoral laws through consultations rather than direct observation. Key areas of assessment include the political context and legal framework, such as the electoral system being used and the constituency boundaries. Observers should evaluate election administration and voter registration, including the maintenance of voter lists. Other important areas include the registration of political parties and candidates, campaign funding, campaign activities, pre-election complaints handling, media coverage monitoring, and evaluation of how the process integrates relevant human rights legislation.

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[31] Venice Commission. (2009). Guidelines on an internationally recognised status of election observers.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)059-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)059-e)

[32] ODIHR. (2003). Handbook for domestic election observers. <https://www.osce.org/files/f/documents/b/0/13941.pdf>

[33] Venice Commission. (2009). Guidelines on an internationally..., cit.



The voting phase involves observing the actual voting process, including the opening and closing of polling stations. Observers should monitor the participation of special groups, such as military personnel, prisoners, and people with disabilities. Assessment of various voting methods, including electronic, postal, proxy, mobile, and early voting, is crucial. The post-voting phase includes monitoring the counting and tabulation of votes, overseeing the transmission and publication of preliminary results, and ensuring that complaints and appeals procedures are properly followed. Observers should also monitor the publication of final results.

The Guidelines put forward recommendations for states to integrate the rights of international and domestic election observers[34] into their domestic legislation. International election observation organizations should be invited well in advance of election day. States must ensure that governmental or electoral authorities do not interfere with the selection or accreditation of observers, allowing for unrestricted movement and access to all election-related venues and documentation. Specific legal provisions should outline any areas where observers are prohibited, adhering to the principle of proportionality. Observers should have access to various locations beyond polling stations, such as electoral commissions and courts, and should be permitted to engage with all relevant stakeholders, including candidates, political parties, and voters. In terms of reporting, both international and national observation missions must be free to publish their findings and make recommendations. They should be allowed to hold press conferences and communicate their assessments openly. Observers also have the right to provide feedback on electoral developments to their mission heads, ensuring the principles of voter confidentiality are protected. The duties[35] of international and domestic election observers include adherence to the national laws and regulations of the host country, non-interference with the electoral process, and maintaining a stance of political impartiality. International observers are specifically instructed to avoid personal biases and refrain from political activities and conflicts of interest. They should also avoid making public comments or granting media interviews, demonstrating respect towards electoral officials and all participants in the electoral process. Their reports should be based on factual and verifiable evidence, upholding accuracy and impartiality.

The Summary of Recommendations on an Internationally Recognized Status of Election Observers Report[36] calls for incorporating provisions on election observation into national legislation. The document clarifies the distinctions between observation and assessment by election observers, and the distinctions between domestic and international observers. Observation involves gathering direct information on specific parts of the electoral process, while assessment involves evaluating information from various stakeholders, requiring careful consideration and typically featured in the comprehensive final reports of the observation mission.

[34] Venice Commission. (2009). Guidelines on an internationally..., cit.

[35] Venice Commission. (2009). Guidelines on an internationally..., cit.

[36] Venice Commission. (2009). Summary of Recommendations on an Internationally recognised status of election observers. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)026-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)026-e)

Election observation, whether domestic or international, ensures transparency and builds trust in the electoral process, as “it provides evidence of whether the electoral process has been regular or not”[37]. The Explanatory Report adopted by the Venice Commission at its 52nd Plenary Session (Venice, 18-19 October 2002) differentiates between partisan national observers, non-partisan national observers, and international (non-partisan) observers[38]. Experts advocate for expanding observation procedures as widely as possible, both nationally and internationally, to ensure a fair and transparent electoral process[39].

In countries lacking a tradition of impartial election verification, international observers can serve as watchdogs of the lawfulness of the electoral process. Observers should be allowed to interview anyone present in the polling stations, take notes, and report back to their organizations, but they should avoid making comments. The electoral law must clearly outline the locations that electoral observers are prohibited from visiting, to ensure their activities are not unduly restricted. As documented by Krennerich[40], the role of electoral observers is pivotal in ensuring compliance with domestic electoral legislation and adherence to international standards for democratic elections. The activity of electoral observers helps in closing regulatory gaps in electoral legislation in both emerging and consolidated democratic systems, as they “consistently find out that certain areas of the electoral process are left under-regulated or poorly regulated in a number of countries. Even in long-established democracies, such gaps occur where the electoral law has not adapted to new developments”[41]. Electoral observers act as watchdogs of electoral processes, identifying and reporting issues such as:

- inaccuracy of voter lists, which may include deceased people or exclude voters if their identification documents have expired; the proper establishment and maintenance of electoral registers guarantees universal suffrage and inaccurate electoral registers are contrary to international standards. It is noted that establishing and maintaining accurate voter registers are especially difficult in (post-)conflict situations with a large number of internally displaced persons (IDPs)[42];
- unpublished electoral registers that may hinder transparency and public scrutiny. International observers have reported that voter registers in the past have included addresses where an exaggerated number of voters were registered[43];
- creating supplementary voter lists and registration on voting day which may “be extensively used for compensating for the inaccuracy of regular voter registration”; this practice is at odds with international standards, as it increases the risk of multiple voting and of voting in the wrong districts. Voter registration at polling stations was reported in elections in Azerbaijan, Belarus, Russia, and the Czech Republic;

[37] Venice Commission. (2002). Code of Good Practice..., cit.

[38] Venice Commission. (2002). Code of Good Practice..., cit.

[39] Michael Krennerich. (2020). Report on Electoral Law and Electoral Administration in Europe. Synthesis study on recurrent challenges and problematic issues. Venice Commission. Study No. 965/2019. Strasbourg.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)023-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)023-e)

[40] Michael Krennerich. (2020). Report on Electoral Law..., cit.

[41] Michael Krennerich. (2020). Report on Electoral Law..., cit.

[42] Michael Krennerich. (2020). Report on Electoral Law..., cit.

[43] Michael Krennerich. (2020). Report on Electoral Law..., cit.

- minor formal errors in the nomination and registration process which result in the signature lists being declared invalid. “As for the 2019 parliamentary elections in the Republic of Moldova, for instance, ODIHR electoral observers criticised that the law did not allow for the re-submission of signatures to correct errors, even if the period of candidate registration was still open. Over 10% of the total of candidate applications in single member constituencies were rejected due to various signature irregularities there. Also in the presidential elections of 2018 in Azerbaijan, the law did not foresee the possibility of nominees to address shortcomings. On the other hand, there must be safeguards against fraudulent methods of collecting signatures. In several countries, there were allegations of forged and suspicious signatures for supporting candidates”[44];
- opaque reporting on party and campaign finances. International observers recommended that political parties should be mandated to maintain records of their finances, especially regarding all campaign-related contributions and expenditures (Armenia, Malta, Serbia, Switzerland), which should be overseen by designated public authorities and made accessible for public scrutiny. Legal loopholes can be exploited to undermine financial transparency and accountability, creating unequal campaign conditions and fostering corruption;
- misuse of state positions and public resources for campaign purposes (Albania, Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, Republic of Moldova, Poland, Russia, Serbia, Turkey and Ukraine);
- the use of financial incentives (social assistance programs, salary increases, bonuses) as campaign tools;
- negative campaigning and hate speech against politicians and state officials;
- family voting or group voting, which is prohibited by law; in practice, is sometimes still tolerated and was witnessed by electoral observers in Albania, Latvia, Lithuania, North Macedonia, Poland, and, to a large extent, in Kosovo[45];
- vote buying, that is the distribution of goods or money to voters combined with the request to vote for a particular candidate or party. This is strictly forbidden by law but rather difficult to prove. According to international observers, it is allegedly common practice in some countries before and on election day. Long-standing practices of vote-buying and “organised” voting were raised as issues of concern in, inter alia, Albania, Azerbaijan, Bulgaria, Republic of Moldova, and Ukraine;
- confusing complaint and appeals procedures, leading to an inconsistent interpretation and application of electoral law (reported in Albania, Czech Republic, Poland, Republic of Moldova, Serbia, and Slovakia);
- a “culture of impunity” for election-related offences, borne of public authorities’ failure to take measures against election violations committed by election officials, undermining trust and credibility in the election process.

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[44] Michael Krennerich. (2020). Report on Electoral Law..., cit.

[45] Michael Krennerich. (2020). Report on Electoral Law..., cit.

The *modus operandis* of impartial **domestic election observation and monitoring** by citizen organizations is established in the Declaration of Global Principles for non-partisan election observation and monitoring by citizen organizations and Code of Conduct for non-partisan citizen election observers and monitors[46], initiated by the Global Network of Domestic Election Monitors (GNDEM). Non-partisan election observation and monitoring by citizen organizations is considered a form of participation in public affairs, exercising “the right of association that is central to the functioning of nongovernmental organizations, as well as the right to seek, receive and impart information that is vital to transparency and is included in the freedom of expression protected by articles 19 of the Universal Declaration of Human Rights and the ICCPR. Establishing an election process that is open to citizen examination is essential because citizens not only have the right to genuine elections, they have the right to know whether the election process provided an opportunity for free expression of the will of the electors and accurately recorded and honored the electors’ will”[47]. Non-partisan domestic election observers and monitors are considered to be “specialized human rights defenders” with ethical obligations “to enhance electoral integrity by deterring and exposing irregularities and fraud, deterring and mitigating potentials for election-related violence and by offering recommendations for improving electoral and political processes. It seeks to promote public confidence as the election process warrants and to promote citizen participation in government and public affairs through electoral processes that are free of proscribed discrimination and unreasonable restrictions”[48].

Independent scrutiny of electoral processes is characterized by impartial cooperation with election management bodies, governmental agencies, and electoral stakeholders. Citizens’ organizations uphold the responsibility to evaluate the following[49]:

- a) the content and implementation of the legal framework, made up of the constitution, laws, treaty obligations, and regulations relating to elections;
- b) the impartiality, transparency and effectiveness of electoral administration and related governmental activities;
- c) the processes for appointing and retaining members of election management bodies;
- d) the delimitation of election district boundaries;
- e) the registration of political parties, candidates, and referendum initiatives and their qualification for the ballot;
- f) the compliance of political parties with legal obligations and other requirements concerning matters such as selection of candidates, campaigning, and upholding codes of conduct;
- g) the procedures relating to political party and candidate financing, campaign spending, and oversight of both;

[46] Venice Commission and GNDEM. (2012). Declaration of Global Principles..., cit.

[47] Venice Commission and GNDEM. (2012). Declaration of Global Principles..., cit.

[48] Venice Commission and GNDEM. (2012). Declaration of Global Principles..., cit.

[49] Venice Commission and GNDEM. (2012). Declaration of Global Principles..., cit.

- h) the incidence of international interference in the electoral process, through prescribed financial contributions to electoral contestants, international media bias, or other activities;
- i) the use of state resources in the electoral context, including their politically impartial applications and their improper use to gain electoral advantage by particular political parties, candidates, and supporters or opponents of referendum initiatives;
- j) the application of anti-corruption laws and other safeguards in the electoral context, including protections for “whistleblowers” who expose election-related corruption;
- k) the conduct of security forces and civil servants in administrative matters, such as the issuance of permits for the use of locations for peaceful assemblies and campaign activities, as well as the posting of campaign materials;
- l) the requirements and practices regarding access to mass communications media for political parties, candidates, and supporters or opponents of referendum initiatives;
- m) the requirements and practices concerning reporting by state controlled, public, and private media about political parties, candidates, and supporters or opponents of referendum initiatives, including monitoring the amount and quality of coverage of electoral contestants and issues that are pertinent to voter choices;
- n) the ability of political parties, candidates, and supporters or opponents of referendum initiatives to campaign freely for the support of prospective voters;
- o) the ability of prospective voters, including indigenous peoples and other traditionally marginalized populations, to seek and receive (including in minority languages) accurate and adequate information upon which to make electoral choices;
- p) the ability of eligible persons to register to vote and have their required information appear accurately on the voter registry and voter lists;
- q) the ability of prospective voters, those seeking to be elected, and their supporters to be free of violence, intimidation, bribery, and retaliation for their electoral choices, including whether effective and equal protection of the law is provided by police, other security forces, prosecutors, or courts;
- r) the adequacy of voter education, particularly by state agencies, including, among other things, where, when, how, and why to register and to vote, as well as of guarantees for secrecy of the ballot;
- s) the appropriateness of locations of polling places and adequacy of their facilities;
- t) the production and distribution to polling stations and recollection and storage of ballots and other sensitive election materials;
- u) the policymaking process and each stage of implementing decisions concerning the use of electronic technologies in the creation and execution of voter registries, electronic voting, tabulation of results, and other sensitive electoral procedures;

- v) the sustainability, appropriateness, and cost-effectiveness of electoral technologies;
- w) the conduct of voting, including in minority languages, counting, tabulation, and announcement of results, including the transparency of procedures and adequacy of safeguards against inaccuracies and malfeasance;
- x) the conduct of procedures and processes concerning electoral complaints and challenges by citizens, prospective voters, those seeking election, and those supporting or opposing referendum initiatives, including the provision of effective remedies for violations of election -related rights;
- y) the conduct of administrative, civil, and criminal processes concerning alleged violations of laws and regulations regarding election related rights and responsibilities, including the application of appropriate penalties;
- z) the development of changes to election-related laws, rules, regulations, and administrative procedures preceding and following elections.

Paragraph 18 of the Declaration of Global Principles for non-partisan election observation and monitoring by citizen organizations and Code of Conduct for non-partisan citizen election observers and monitors[50] establishes that in order for non-partisan election observation and monitoring by citizen organizations to be conducted successfully, several conditions should be present, including:

- a) security conditions allow non-partisan citizen observers and monitors to evaluate processes without substantial risk to their safety, the safety of their families or their economic well being;
- b) election management bodies and other governmental authorities concerned with electoral related processes honor the right to participate in governmental and public affairs by providing non-partisan citizen election observation and monitoring organizations access to election related facilities and processes, including by providing accreditation where it is required for access;
- c) election management bodies and other governmental authorities provide electoral transparency through timely access to information, including election results recorded at polling stations as well as aggregated results at higher levels of electoral administration;
- d) political parties, candidates, and groups supporting or opposing referendum initiatives provide timely information about complaints they file concerning violations of their electoral rights and the electoral challenges they lodge;
- e) non-partisan citizen election observation and monitoring organizations can exercise the freedom to associate with other organizations, both domestic and international, and cooperate with and/or receive assistance and support from them, including financial assistance, in order to pursue non-partisan election observation/monitoring activities;

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[50] Venice Commission and GNDEM. (2012). Declaration of Global Principles..., cit.

- f) non-partisan citizen election observation and monitoring organizations are free to seek, receive and impart information, domestically and across borders, via verbal communications and printed or electronic media, including the Internet;
- g) national and international organizations, agencies, foundations, and others that commit to provide funding and/or other assistance for non-partisan election observation and monitoring by citizen organizations do so in a timely and practical manner that makes it possible in light of national conditions to employ the most systematic methodologies practicable and to integrate them into the capacities of the citizen organizations;
- h) election management bodies, other governmental authorities, funders, and other supporters recognize and honor the premise that the information gathered, analysis performed, and conclusions developed by non-partisan citizen election observation and monitoring organizations belong to the respective organizations, and those organizations are responsible for determining the timing and manner for presenting their findings and recommendations.

Monitoring of media coverage of elections<sup>[51]</sup> is another important aspect of election assessment that is addressed in Section 5.2 of this Background Report.

## 3.2 Regulatory framework and operational phases of an EU election observation mission

The Handbook for European Union Election Observation<sup>[52]</sup> offers a comprehensive overview of how the EU conducts international election observation. Between 2000 and 2015, the EU deployed teams of observers and assessment experts to monitor elections in 65 countries, ensuring adherence to democratic standards and enhancing transparency in electoral processes. ODIHR and the EU use similar election observation methodologies. International standards for elections encompass the general principles established in key international human rights treaties, including the 1945 UN Charter, the 1966 International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, and the 1948 Universal Declaration of Human Rights (UDHR). These standards also include political declarations, interpretations from human rights monitoring bodies, and rulings from regional courts. Section Four of the Handbook for European Union Election Observation outlines the methodology used by an EU Election Observation Mission (EOM) to assess electoral processes against international standards for democratic elections.

[51] Maja Cappello. (2017). Media coverage of elections: the legal framework in Europe. IRIS Special. European Audiovisual Observatory, Strasbourg. <https://www.obs.coe.int/en/web/observatoire/-/media-coverage-of-elections-the-legal-framework-in-europe>

[52] European Union. (2016). The Handbook..., cit.

The EOM reports identify where these standards have been met or not. The primary reference for international electoral standards is the ICCPR, though the EOM also considers other universal and regional instruments. In countries that have not ratified the ICCPR, the EOM refers to the UDHR and other relevant treaties.

Criteria and conditions for determining whether to mount an EU electoral observation mission are clarified in COM(2000)191[53]: “A request to observe the election by the government of the host country. A formal request from the government should be sought but in some circumstances, a clear indication of the government’s willingness to have EU observers, even when not formally expressed, may be acceptable; a host government responsive to EU requests for specific amendments or improvements to the electoral preparations; the support by all the main contesting political parties or candidates for the involvement of EU observers; the existence of previous EU monitoring of political developments in the host country; a time-scale which permits the leaders of any EU monitoring team to be in place sufficiently in advance”[54]. All EU electoral missions are governed by written Terms of Reference (TOR) that are agreed upon with the host country's government and electoral authorities. These TOR outline the objectives and requirements of the observation mission, including guarantees for observers' freedom of movement and access to political parties, candidates, election officials, polling places, and counting stations.

An **exploratory mission** is deployed at the invitation of national authorities to assess the feasibility of establishing an EOM. According to criteria laid out in Council Decision 9262/98 and COM(2000)191, the exploratory mission “should also advise what conditions must be fulfilled by the host government before the EU is prepared to commit funds. Exploratory missions should give the first indication to EU decision makers of what kind and what size of electoral intervention would be most effective”[55]. The exploratory mission typically takes place between six and four months before an election, lasting around 10 days and consisting of six members: two European External Action Service staff including the mission leader and geographical desk member, one Foreign Policy Instruments staff member responsible for security, logistics, and budget, and three external experts in elections, security, and logistics[56]. The mission gathers information by meeting with various stakeholders, including state and electoral authorities, political actors, civil society, and representatives from the EU and international community. The mission assesses logistical and security conditions for deploying an EOM by meeting with relevant agencies and organizations. It also prepares an indicative budget and terms of reference for the EOM.

[53] EU Commission. (2000). Communication from the Commission..., cit.

[54] EU Commission. (2000). Communication from the Commission..., cit.

[55] EU Commission. (2000). Communication from the Commission..., cit.

[56] European Union. (2016). The Handbook..., cit.



The EU Delegation plays a vital role by informing host country authorities about the mission's arrival. The exploratory mission reports its findings to EU institutions, recommending whether to deploy an EOM. The report evaluates the election framework, highlights key issues, outlines the EOM's scope including team size and logistical needs, and provides an initial security risk assessment. This report is submitted to the High Representative for Foreign Affairs and Security Policy and Vice President of the Commission for a decision on deployment and is shared with EU Member States and the European Parliament.

When conditions for deploying a full EOM are not feasible but close monitoring of the election process is still considered valuable, the EU may opt for an Election Expert Mission (EEM) or an Election Assessment Team (EAT)[57]. An EEM comprises two to four experts, including a team leader, an electoral/legal specialist, a human rights and gender expert, and occasionally a media expert, deployed weeks before the election. EEM members engage with various election stakeholders and use the EU assessment criteria, but they do not conduct standard election day observations and operate without media visibility. In contrast, an EAT consists of a core team of experts based in the capital but does not include long-term observers (LTOs) or short-term observers (STOs) and also refrains from standard election day observation. However, it may send a few regional analysts outside the capital if conditions permit. The EAT's work is supported by a service provider team, and it may be led by a Chief Observer in certain cases. This team is typically deployed in situations where security concerns limit the number of observers that can be sent across the country.

Planning and preparing for an Election Observation Mission involves signing Memorandums of Understanding between the EU Delegation in country and the government and electoral authorities of the host country, drafting the Terms of Reference, appointing of a Chief Observer to lead the EU EOM, appointing the Deputy Chief Observer (DCO) and the core team, and selecting and deploying observers. Section 5.4.2 of the Handbook for European Union Election Observation clarifies the procedures for mission opening, start-up, and closure[58]. After a briefing in Brussels, the service provider arrives in the host country one to two weeks before the core team to secure office space for the EOM and ensure it can begin operations promptly. The headquarters must be conveniently located, secure, and politically neutral. The SP also arranges accommodations, local transport, and accreditation for EU observers while identifying suitable national support staff based on terms set by the exploratory mission.

Following another briefing in Brussels, the CO and core team arrive, hold introductory meetings with local officials and the EU Delegation, and announce the EOM's opening at a press conference. The core team meets with key stakeholders and prepares a briefing for LTOs, who arrive about a week later and are deployed to their designated areas to observe the pre-election environment.

[57] European Union. (2016). The Handbook..., cit.

[58] European Union. (2016). The Handbook..., cit.

STOs typically arrive seven days before election day, receive briefings from the core team and LTOs, and are then deployed in pairs to observe voting and counting. After election day, STOs attend debriefings and return to Europe, while LTOs continue monitoring post-election developments before debriefing in the capital and heading home approximately two weeks later. The EOM generally concludes about three weeks after election day, unless delays occur in final results or complaint resolutions. If post-election issues like violence arise, some core team members and LTOs may stay longer. Before closing, the CO and DCO hold farewell meetings with key stakeholders and provide a final debriefing to EU Member States. The SP and core team are then debriefed in Brussels, and the final report is typically released within two months, during a follow-up visit to the host country.

The **EU observation methodology** is consistent with the Commission Communication COM(2000)191[59] and is in line with the Declaration of Principles for International Election Observation commemorated at the United Nations in 2005. The EU observation methodology evaluates all aspects of the electoral process, with EU Election Observation Missions (EOMs) focusing on key areas in their reports. In the pre-election period, observers must pay attention to structural issues including: the political context (political system's structure, parliamentary composition, political discourse, party conditions, citizen participation, past elections, and human rights issues), legal framework (including the electoral system, election-related legislation, suffrage rights, campaign finance legislation, complaints and appeals), election administration (role and responsibilities of the Election Management Body (EMB), types, structure and functioning of EMBs), voter and party/candidate registration (the right to vote, registration methods, computerized voter registers), the election campaign, media coverage, electoral violence, online election-related content, complaints and appeals, human rights (particularly the involvement of women, minorities, and persons with disabilities), the role of civil society, processes on election day, and the results and post-election environment.

**On election day**[60], an EOM enhances its coverage by closely observing voting and counting processes at polling stations. EU observers operate in mobile teams of two, visiting various polling stations that represent the country's population distribution, including a proportional mix of urban and rural areas as well as minority groups. To maintain consistency, observer teams utilize standard reporting forms and spend at least 30 minutes at each polling station. Memorandums of Understanding (MoUs) outline the rights and responsibilities of both parties, highlighting the EOM's commitment to impartiality and non-interference in the electoral process. In the **post-election period**, observers participate in debriefings with their supervising officers and contribute towards appropriate EU reports on the elections monitored[61].

[59] EU Commission. (2000). Communication from the Commission..., cit.

[60] European Union. (2016). The Handbook..., cit.

[61] EU Commission. (2000). Communication from the Commission..., cit.

A summary of the **EU EOM Programming Timetable**[62] is provided at the Section 5.4.2 of the Handbook for European Union Election Observation: the timetable for election observation activities spans from preparation to follow-up, starting 12 to 6 months before election day (E-Day) with finalization of priorities. Key milestones include the exploratory mission, deployment decisions, and signing of Memorandums of Understanding. During the deployment stage, activities occur 8-6 weeks prior to E-Day, including the announcement of the EOM and arrival of the core team. Long-term observers arrive five weeks before E-Day, followed by short-term observers one week prior. On election day, voting and counting are observed, with preliminary statements issued shortly thereafter. Debriefings occur in the following days and weeks, culminating in the core team's departure and mission closure within 2-4 weeks after E-Day, depending on the timing of final results. The final report is presented up to two months after the election, with follow-up activities continuing for three months and beyond.

On Election Day, STOs[63] closely monitor the election environment, looking for signs of intimidation, restrictions on movement, or any issues that could affect the integrity of the election. They also evaluate voting procedures to ensure compliance with national laws, confirming that citizens can exercise their right to vote while maintaining the secrecy of their ballots. Each STO team is responsible for completing checklists on voting, counting, and tabulation, which are sent to the EU EOM headquarters for further analysis. They provide reports and updates to their designated LTO teams, especially in cases where serious irregularities are observed. STOs typically work in pairs, fostering a diverse mix of nationalities, experiences, and languages, as well as gender representation when possible. Generally, STOs are present in the host country for 10 to 12 days, arriving about a week prior to election day. They operate under the supervision of the observer coordinator and their LTO teams, ensuring effective oversight and reporting during the election process. Post-election debriefing between the STOs and their assigned LTO includes monitoring ongoing vote counting and result tabulation, visiting polling stations for published results, and assessing the overall post-election environment. At the end of their mission, STOs participate in a joint debriefing led by the DCO with support from the Service Provider. This session enables the core team and all STOs to share insights about the election process and political context. Discussions also cover operational and security matters, and STOs are encouraged to suggest recommendations for the final report and improvements for future EOMs.

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[62] European Union. (2016). The Handbook..., cit.

[63] European Union. (2016). The Handbook..., cit.

### 3.3 EU principles of monitoring, evaluating and observing of election day to ensure compliance with international standards

The general principles of monitoring, evaluating and observing elections for the Council of Europe and OSCE observation teams are laid down in the **Election Evaluation Guide** (CDL-AD(2006)021)[64] and the **Election Observation Form** (CDL-AD(2005)013)[65]. The Election Evaluation Guide clarifies the conditions under which foreign observers monitor elections to ensure compliance with international standards included in the Code of Good Practice in Electoral Matters, the Code of Conduct for International Election Observers, and the Pledge to accompany the Code. Observers must carry out their duty with objectivity and non-interference in the election process, in accordance with the laws and regulations of the country where they are deployed. Publicly sharing personal statements with the press is not allowed. Observers must have a deep understanding of the country's political context, electoral laws, previous observation reports, and the latest recommendations for the country. The Election Evaluation Guide (CDL-AD(2006)021)[66] is structured into three main parts corresponding to three stages: before polling day, polling day, and after polling day. For polling day, two questionnaires are provided: Questionnaire I for observing polling stations during voting (one per station visited) and Questionnaire II for observing the closure and counting of votes at polling stations (one per team). The guides for before and after polling day are intended for preliminary meetings with key political figures, party representatives, and electoral commission officials.

Before polling day, as clarified by the Election Evaluation Guide, observers are instructed to familiarize themselves with electoral law, the political backdrop to the elections, the organization of the poll, the modalities of the election campaign, and meet with the bodies monitoring the election procedure. On polling day, observers must ensure that local election laws are properly implemented, rather than enforcing laws from other countries. If local laws are found lacking, observers will make recommendations for improvement in their final report, but they will not suggest any changes to the law itself. Observers are strictly tasked with observation and must not intervene in the electoral process. Before polling begins, observer teams will inspect polling stations to assess their setup and monitor the procedures. They will also observe the closing of voting and the counting of ballots at a selected polling station. Observers are equipped with two types of questionnaires: one for general observations throughout the day and another specifically for the counting process. In cases where voting occurs over multiple days, a specific report will detail the provisional closure operations and security measures for protecting previous ballots. The full questionnaires are available in the Election Evaluation Guide (CDL-AD(2006)021)[67].

[64] Venice Commission. (2006). Election Evaluation Guide. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2006\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2006)021-e)

[65] Venice Commission & ODIHR. (2005). Election Observation Form. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2005\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2005)013-e)

[66] Venice Commission. (2006). Election Evaluation Guide..., cit.

[67] Venice Commission. (2006). Election Evaluation Guide..., cit.

The Election Observation Form (CDL-AD(2005)013)[68] provides a structured framework for observers to document their findings about the electoral process. The Form prompts observers to note any irregularities or issues encountered, as well as the overall atmosphere of the polling environment.

Reporting Standards for the EU EOM are clarified in Section 8 of the Handbook for European Union Election Observation[69], as follows: adherence to high standards of accuracy and objectivity is essential, and information must be based on credible sources and substantiated with specific examples and references whenever possible. Reports should distinguish between observations made directly by EU observers and information received from interlocutors. While credible information from multiple sources can be included, any data lacking supporting evidence or derived from a single partisan source must be clearly marked as such. Sensitive information from interlocutors should be treated confidentially, ensuring the anonymity of sources. Mission reports should be concise and adhere to a specified length while using clear language. They must follow a consistent structure based on guidelines provided by the European External Action Service (EEAS). When referencing international election standards, reports should include citations from relevant universal or regional instruments to demonstrate the basis of the EOM's assessments. The EOM core team issues interim reports every ten days during the mission, shared only with EU institutions and Member States, providing updates on electoral developments, voter and candidate registration, campaign activities, media engagement, and human rights issues.

The EOM initial **post-election assessment** is typically released within 48 hours of polling's end during a press conference[70]. The public final report aims to inform both local election stakeholders and the international community and provides the EOM's comprehensive assessment of the election, typically issued within two months after the electoral process concludes. The report outlines the EOM's findings and evaluates the election's adherence to international standards. Recommendations for improving the electoral process are a vital component of the EOM's final report. The EU actively follows up on these recommendations, often using them to shape its electoral assistance and good governance programs. Each recommendation is designed to align with international standards and best practices, providing constructive insights into identified issues such as transparency and resource allocation. To ensure a coherent EU approach, the EEAS election desk plays a crucial role in the implementation process, and a recommendations chart is included as an annex in the final report. The final internal report[71] is completed by the core team of the EOM, providing a comprehensive overview of the mission's logistical, administrative, and security aspects, along with public outreach activities. Drafted by the Deputy Chief Observer, the report is submitted to the European Commission and EEAS before the core team's final debriefing in Brussels.

[68] Venice Commission & ODIHR. (2005). Election Observation Form..., cit.

[69] European Union. (2016). The Handbook..., cit.

[70] European Union. (2016). The Handbook..., cit.

[71] European Union. (2016). The Handbook..., cit.

## 3.4 Observation and monitoring of election administration

Election administration bodies (or Election Management Bodies, EMBs) play a crucial role in ensuring effective, impartial and transparent electoral practices, in line with the OSCE commitments and other international standards and obligations, to guarantee the conduct of genuine democratic elections. Considered the guardians of democratic elections[72], the activity of these bodies is scrutinized in OSCE participating States to ensure compliance with international electoral practice. As discussed in the previous sections, the OSCE/ODIHR Handbook for the Observation of Election Administration provides a systematic framework to assist election observation missions in assessing and reporting on whether election administrations comply with cornerstone principles of integrity, legality, effectiveness, independence, impartiality, transparency, accountability and inclusivity. EMBs play a critical role in organizing elections, and their performance directly affects the quality and integrity of electoral and referendum processes. EMBs are responsible for various processes including voter registration, staff training, technical preparations for voting, counting, and result tabulation, as well as managing election disputes[73].

Observing EMBs is essential for assessing how well they implement national laws, international standards, and best practices, which directly impacts the quality of the electoral process and public trust. EMBs also oversee compliance with legal requirements and resolve disputes, while influencing electoral regulations and practices through their decisions and recommendations. Although they do not initiate legislation, their guidance can shape future electoral frameworks. ODIHR's election observation focuses on evaluating the effectiveness of EMBs in fulfilling their oversight roles and using enforcement measures appropriately. By observing EMB meetings and decision-making processes, ODIHR gains insights that help formulate concrete recommendations for improvements, prioritizing the most relevant issues in each context.

The observation and assessment methodology of Election Administration is highlighted in Chapter VI of the OSCE/ODIHR Handbook for the Observation of Election Administration[74], as follows: the assessment evaluates the legal framework for election administration, its implementation, the decision-making processes of EMBs, the organization of electoral activities, the exercise of citizens' voting rights, and the confidence of key electoral stakeholders in the administration. It also examines whether EMBs adhere to essential principles of election administration.

[72] ODIHR. (2023). Handbook for the Observation of Election Administration. <https://www.osce.org/files/f/documents/0/4/544240.pdf>

[73] ODIHR. (2023). Handbook..., cit.

[74] ODIHR. (2023). Handbook..., cit.

The credibility of ODIHR's assessments relies on the observers' independence, impartiality, consistency, and professionalism. Therefore, mission management must ensure that the observation methodology is consistently applied by analysts (voter registration analyst, new voting technologies analyst, gender analyst and/or national minority analyst), LTOs, and all other mission members. The primary interlocutor on election administration issues is the central EMB and its secretariat. However, observers can attend meetings with other state institutions and non-governmental bodies.

ODIHR observation missions gather and analyze information from multiple sources, including documentary materials such as laws, regulations, reports, rule of procedures, policies on voter information, on decision-making, training or operational materials; meetings with election officials for briefings and answers to questions; direct observations of sessions held by EMBs and related electoral processes; and discussions with electoral stakeholders to understand their concerns and confidence in the electoral system. The election analyst and LTOs<sup>[75]</sup> should participate in events organized by EMBs, and should review candidates' documentation, the drawing of lots for legality and impartiality, verification of voter lists for inclusiveness and accountability, and the printing and testing of ballots for effectiveness and transparency. STOs should monitor election day procedures to ensure consistent implementation of rules nationwide, focusing on the secrecy of the vote, the integrity of the process, a conducive environment for voter expression, and the accurate and transparent counting and tabulation of results.

The ODIHR Observer Code of Conduct stipulates that all members of observation missions must base their conclusions on personal observations or solid evidence and should clearly differentiate between allegations and verified facts. Before reporting on allegations, mission members are encouraged to gather more information through discussions with relevant stakeholders and reviewing documents like filed complaints. If irregularities are noted, it is advisable to consult election officials to determine if the observed actions align with established procedures. Data collection primarily consists of weekly narrative reports from LTOs, supplemented by checklists or questionnaires for consistency and quantitative analysis, especially in larger missions. These tools help create a reliable overview of election management activities. STOs will use specific observation forms to report their findings on compliance with international election standards, focusing on aspects like voter privacy and the integrity of vote counting. The core team will analyze this data, integrating it with the narratives from LTOs and STOs to assess the overall electoral process.

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[75] ODIHR. (2023). Handbook..., cit.

ODIHR observation missions should provide an assessment of the degree of adherence of election administration to the following principles[76]:

- Adherence to established procedures (legality and integrity);
- The effectiveness of the organization of different components of electoral process;
- The inclusivity of the electoral process, including whether the manner in which EMBs implemented the procedures enabled the participation in the process of all eligible people wishing to do so, either as candidates, voters, or election officials;
- The ability of election officials to work independently, without interference;
- The impartiality of the EMBs' decision-making;
- The transparency of administering elections, including decision-making, logistical preparations, handling disputes, organization of election day proceedings;
- The accuracy and transparency of the counting and tabulation processes (integrity);
- How the EMBs dealt with procedural irregularities or responded to electoral offences (accountability).

Finally, ODIHR observation missions are required to release interim report(s), statement(s) of preliminary findings and conclusions, a final report on the observation of an election, and electoral recommendations related to election administration including legal amendments, sub-legal amendments, and changes in practice.

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[76] ODIHR. (2023). Handbook., cit.



## 3.5 Media monitoring for election observation missions

Important references for media monitoring assessments and measures concerning media coverage of election campaigns are Recommendation (99) 15 of the Committee of Ministers of the Council of Europe[77], Recommendation CM/Rec(2007)15[78], the Code of Good Practice in Electoral Matters developed by the European Commission for Democracy through Law (Venice Commission)[79], the joint Guidelines on Media Analysis During Election Observation Missions[80], and the PACE Resolution 2254 (2019)[81]. These are complemented by various standard-setting instruments presented in various Council of Europe texts, obligations deriving from Article 10 of the European Convention on Human Rights (ETS No. 5) and recommendations of the Committee of Ministers, as highlighted in Paragraph 7 of the PACE Resolution 2254 (2019)[82]:

**Recommendation CM/Rec(2007)15** on measures concerning media coverage of election campaigns;

**Recommendation CM/Rec(2007)3** on the remit of public service media in the information society;

**Recommendation Rec(2004)16** on the right of reply in the new media environment;

**Recommendation CM/Rec(2007)2** on media pluralism and diversity of media content;

**Recommendation CM/Rec(2018)1** on media pluralism and transparency of media ownership;

**Recommendation Rec (2000) 23** on the independence and functions of regulatory authorities for the broadcasting sector;

**Recommendation No. R (97) 20** on “hate speech”;

**General Policy Recommendation No. 15** on combating hate speech;

**Code of Good Practice in Electoral Matters** of the Venice Commission.

It also points to the 2009 **Guidelines on Media Analysis during Election Observation Missions**, the 2013 Report and the 2016 Guidelines for preventing and responding to the misuse of administrative resources during electoral processes, and the 2010 Guidelines on political party regulation, all three issued jointly by the Venice Commission and ODIHR.

[77] Committee of Ministers. (1999). Recommendation No. R (99) 15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns. <https://search.coe.int/cm/#{%22CoEIdentifier%22:%2209000016805e3c6b%22,%22sort%22:%22CoEValidationDate%20Descending%22}>

[78] Committee of Ministers. (2007). Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns. CM/Rec(2007)15.

[79] Venice Commission. (2002). Code of Good Practice..., cit.

[80] Venice Commission. (2009). Guidelines on Media Analysis during Election Observation Missions by the OSCE ODIHR and the Venice Commission. CDL-AD(2009)031.

[81] PACE.(2019). Resolution 2254 Media freedom as a condition for democratic elections. PACE website

[82] PACE.(2019). Resolution 2254..., cit.

## The Council of Europe Report on Monitoring of Media Coverage of Elections clarifies that media monitoring of the electoral process

“provides benchmarks to judge the fairness of the election process. It assesses the behaviour of the media during various phases of the election process and evaluates their compliance with international standards and local regulations on election coverage. It helps to establish whether the candidates are given equitable access to media to convey their messages to voters and whether information available through the media is adequate for voters to make a well-informed choice at the ballot box. Statistical data on the amount of time dedicated to contestants and the manner in which contestants and other key political actors are covered by the media, along with analyses of bias, of the extent and quality of voter education campaigns or of the relevancy of election-related information serve as a basis for assessments. The results of the monitoring show how the media behave and keep the public and contestants aware of these issues. When shortcomings are identified, corrective action should be taken to improve media coverage or protect media rights and freedoms[83].”

Media monitoring methodology[84] involves several phases. In the recording and archiving phase, it is crucial to maintain permanent access to monitored content and create a comprehensive archive to ensure the quality and accuracy of the data. The timing and coding phase involves measuring and coding relevant media content, focusing on the amount of airtime devoted to political contestants, as well as the tone and portrayal of this coverage. To assess political diversity, a minimum analysis period of two weeks is recommended. The analysis phase combines both quantitative and qualitative assessments, evaluating numerical indicators such as time allocation and coverage tone, alongside qualitative metrics related to ethical standards like balance and accuracy. In the reporting phase, experienced monitors prepare detailed reports that include charts and tables summarizing the findings, along with project recommendations for potential improvements. The timeline for these reports should be clearly defined, allowing adequate time for data analysis, with a minimum of three weeks recommended between reports to ensure thorough evaluation.

Member States are called to explore methods for upholding the principles concerning media coverage of presidential, legislative, regional, local elections, and referenda, and to adopt necessary measures to incorporate these principles into domestic laws or practices, ensuring compliance with constitutional law.

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[83] Rasto Kužel. (2020). Monitoring of media coverage of elections. Council of Europe. <https://edoc.coe.int/en/elections/11689-monitoring-of-media-coverage-of-elections.html>

[84] Rasto Kužel. (2020). Monitoring..., cit.

Recommendation CM/Rec(2007)15[85] clarifies that general provisions include non-interference by public authorities, protection against attacks, intimidation or other types of unlawful pressure on the media, ownership by public authorities, professional and ethical standards of the media, transparency of, and access to, the media, the right of reply or equivalent remedies, opinion polls, and a “day of reflection” (the prohibition of the dissemination of partisan electoral messages on the day preceding voting or to provide for their correction). Measures concerning broadcast media refer to general regulatory frameworks, news and current affairs programmes, non-linear audiovisual services of public service media, free airtime and equivalent presence for political parties/candidates on public service media, and paid political advertising.

The crucial role of the media during elections and the importance of editorial independence is emphasized in Recommendation (99) 15 of the Committee of Ministers of the Council of Europe[86]. The Committee of Ministers urges member States to respect freedom of expression as outlined in the European Convention on Human Rights and to explore ways to uphold fairness and impartiality in media coverage of elections, recommending that they adopt appropriate measures within their legal frameworks. The following principles should also extend to media reporting on foreign elections that affect domestic audiences[87]: in the print media sector, freedom of the press must be upheld, ensuring that regulatory frameworks do not interfere with editorial independence or political expression. Publicly owned print media should provide balanced coverage, treating all political parties and candidates equally, particularly in paid advertising.

For broadcast media, regulations should promote diverse opinions while mandating fair and impartial coverage during elections, applicable to both public and private broadcasters. Special attention is required for news and current affairs programs to ensure they do not favor public authorities and maintain a balanced approach. Provisions may be considered for granting free airtime to political parties and candidates, which must be allocated transparently and equitably. Paid political advertising should also be regulated to ensure equal access for all parties and clear labeling of advertisements. The principles advanced by the Committee of Ministers advocate for a “day of reflection”, as well as ensuring transparency in the reporting of opinion polls, which should include detailed information about the poll's commissioning and methodology. The right of reply for candidates during the campaign is also highlighted. To protect media integrity during elections, public authorities must not interfere with journalists' activities and should ensure their safety against intimidation and unlawful pressures.

[85] Committee of Ministers. (2007). Recommendation CM/Rec(2007)15..., cit.

[86] Committee of Ministers. (1999). Recommendation No. R (99) 15..., cit.

[87] Committee of Ministers. (1999). Recommendation No. R (99) 15..., cit.

The current standard media monitoring methodology for election campaigns was developed in 2005 by OSCE/ODIHR in cooperation with the Council of Europe's Venice Commission and Directorate General of Human Rights, and the European Commission[88]. The Guidelines clarify the role of the media in providing accurate and objective coverage of elections, and the importance of media monitoring missions to assess the conduct of media in various phases of the electoral process. Attention is given to compliance with international standards and OSCE commitments when conducting assessments of media coverage of elections. These standards[89] include:

- Free media are one of the basic conditions for a pluralistic and democratic society.
- The right to freedom of expression is a fundamental human right and a necessary condition of a democratic system. Therefore, autonomous and pluralistic media are essential to a free and open society and to hold those in power to account.
- Independent and free media are of particular importance in safeguarding human rights and fundamental freedoms.
- The implementation of OSCE commitments in the field of media should be strengthened to ensure a genuinely free system for citizens.
- Freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions, is a fundamental human right.
- The public shall enjoy freedom to receive and impart information and ideas without interference by public authorities, regardless of frontiers, including through foreign publications and foreign broadcasts.
- Media should enjoy unrestricted access to foreign news and information services.
- Any restrictions of the right to freedom of expression shall be prescribed in accordance with international standards.
- Any limitations to freedom of expression shall be respectful of four main principles:
  - Legality: any restriction to the freedom of expression must be defined by law.
  - Legitimacy: legitimate purposes include securing respect for the rights and freedom of others, preventing disorder or crime, protecting national security and public order, as well as public health or morals.
  - Necessity: imposed limitations shall be necessary in a democratic society.
  - Proportionality: any provisions implying restrictions of the right to freedom of expression shall be proportionate to the aim that such restrictions pursue.

[88] Venice Commission. (2005). Guidelines on media analysis during election observation missions. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)031-e)

[89] Venice Commission. (2005). Guidelines on media analysis..., cit.

- Attacks on and harassment of journalists must be condemned and those responsible should be held accountable.
- Participating states pledge to take measures to protect journalists engaged in dangerous professional missions.
- The participatory rights of individuals and groups include their right to unimpeded access to the media on a non-discriminatory basis.
- No legal or administrative obstacles shall obstruct access to the media within the electoral process.
- Access to the media shall be guaranteed on a non-discriminatory basis for all political forces and individuals participating in the electoral process.

The role of the media during the electoral process, the technical aspects of media monitoring and the role of media analysts in election observation missions are provided in the Guidelines on Media Analysis during Election Observation Missions[90] by ODIHR and the Venice Commission. Paragraph 7 of the Guidelines clarifies that “During any election, the media provide an invaluable channel of information between the candidates and the public. By providing an arena for public debate, and by informing citizens of the positions of the candidates and parties, the media enable the electorate to make an informed decision when they go to vote. The importance of this last point cannot be overstated, as the ability of voters to make an informed choice is one of the key aspects of a democratic election”[91]. OSCE Member States adhere to international commitments to safeguard the right of voters, the rights of candidates and parties, and the freedom of the media, with freedom of expression recognized as a fundamental human right which is crucial for holding those in power accountable. Paragraph 10 of the Guidelines highlights the importance of independent media in safeguarding human rights and calls for strengthened implementation of OSCE commitments to ensure a genuinely free media environment. Individuals have the right to collect, report, and disseminate information without interference, and the media should have unrestricted access to foreign news services. The Guidelines also condemn attacks on journalists, call for protective measures for those in dangerous situations, and guarantee non-discriminatory access to media for all individuals and political entities, especially during electoral processes. The Guidelines clarify the role of the media-monitoring unit within an election observation as monitoring broadcasting, print media, and new media/Internet[92].

When evaluating the media's role in elections, media analysts should focus on the legal framework governing media operations, the media landscape, and the relationship between the media and authorities, and the monitoring of media coverage during the election campaign[93].

[90] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

[91] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

[92] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

[93] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

Media analysts should evaluate compliance with national legislation, ensuring it aligns with international standards, and compare the current situation with previous elections to determine whether freedom of expression and media coverage have improved or declined. They should also examine data<sup>[94]</sup> including the number and types of electronic and print media operating in the country, the licensing status of these outlets at both national and local levels, the size of media companies, the types of media and their target audiences, the representation of ethnic or linguistic minorities, and the economic conditions affecting the media sector, such as subsidies or tax breaks. Additionally, understanding the ownership structure, the number and ownership of news agencies and printing houses, the distribution system for print media, licensing requirements for broadcasters, and the influence of political actors on media ownership is essential. Finally, the extent of new media and Internet access within the country is a critical consideration.

Media analysts should monitor the entire election campaign period. Key metrics for conducting quantitative analysis of media campaign coverage<sup>[95]</sup> include the amount of time allocated to specific politicians, the duration of election broadcasts by parties, and the frequency of certain terms used to describe candidates. Analysts should also track the number of female candidates quoted and the reporting of various campaign issues. Additionally, useful measurements encompass the number of mentions each political actor receives, the amount of time or space dedicated to them, the tone of references (positive, negative, or neutral), and the extent of direct quotes or interviews. Other factors to consider are the topics covered, the placement order of news items regarding candidates or parties, and the gender balance in media coverage.

Key metrics for conducting qualitative analysis of media campaign coverage<sup>[96]</sup> include the accuracy or inaccuracy of media reporting, omissions and distorted reporting, inflammatory language and hate speech, misleading headlines and graphics, and ethical lapses including the blurring of lines between facts and opinions. Other topics analyzed during the electoral process involve the coverage of opinion polls, the coverage of exit polls for those countries where voting takes place in different time zones, voter education, electoral silence, cases of hate speech and inflammatory language, journalistic reporting style, professional conduct of journalists, news omissions, analysis of the formats used to cover the elections, coverage of election administration, the advantage of the incumbent government, the agenda of media outlets, the violation of provisions regulating media reporting, the type of election campaign, and the complaints and violations of freedom of expression.

[94] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

[95] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

[96] Venice Commission. (2009). Guidelines on Media Analysis..., cit.

The methodology for pre-election media monitoring is provided in the Council of Europe Report on Monitoring of Media Coverage of Elections[97]. The objectives of the domestic media monitoring project include the evaluation of media compliance with international standards, providing benchmarks for assessing the fairness of the electoral process for the media, political contestants, the international community, and citizens[98]. Pre-election media monitoring can be carried out by academics, international election observers, non-governmental organizations, market researchers, media regulators, and the media themselves. Media organizations often monitor their own content to evaluate their coverage of significant issues and ensure compliance with legal and ethical standards. Journalists and media outlets should actively participate in effective self-regulation systems, whether at the level of specific media sectors, such as press complaint bodies, or within individual organizations through roles like ombudsmen or public editors. These systems should establish standards that prioritize accuracy in news reporting, including mechanisms for providing corrections and the right to reply to address any inaccuracies.

The Council of Europe Report also emphasizes that media regulators are entrusted to oversee media coverage to ensure compliance with licensing conditions, local content and language requirements, advertising laws, political balance, social pluralism, and adherence to legal and constitutional standards[99]. Media monitoring enhances the regulator's ability to investigate issues related to media coverage. It is suggested that regulators or relevant bodies must monitor how the media reports on candidates, identifying any biases or manipulations through their analyses. Systematic media monitoring helps regulators pinpoint violations and respond swiftly with corrective measures. During elections, these analyses reveal media behavior, keeping the public and candidates informed about important issues. When deficiencies are detected, appropriate actions should be taken to improve media coverage and safeguard media rights and freedoms.

**Post-election media follow-up** may evaluate the media's performance during the election campaign, exploring standards and best practices for election coverage and their effective application. Key questions could be addressed[100]:

#### *General questions*

- Did the media fulfil their role to inform voters in an objective and accurate manner with regard to the platforms and views of different candidates and parties?
- Was the line between official activities and campaign-related appearances of state officials blurred?
- Was the election-related coverage determined by newsworthiness or by political considerations?
- Did the media provide in-depth analytical coverage of election platforms?
- Did the media facilitate vibrant political discussions? In comparison with previous election campaigns, is it an improvement or a deterioration?

[97] Rasto Kužel. (2020). Monitoring..., cit.

[98] Rasto Kužel. (2020). Monitoring..., cit.

[99] Rasto Kužel. (2020). Monitoring..., cit.

[100] Rasto Kužel. (2020). Monitoring..., cit.

*Media regulation*

- The role of a media regulator during elections and how to provide a timely and effective remedy in the case of unbalanced coverage.
- Dealing with media-related complaints and how to ensure a timely and effective remedy in the adjudication of complaints.
- Applying sanctions and how to ensure that sanctions are commensurate with the nature and gravity of the violation.
- How to find the right balance between regulation and editorial freedoms.
- Should a regulator and/or commission conduct its own media monitoring?

*Improvements and recommendations*

- What should be done to improve the media coverage of the next elections?
- How should media independence and non-interference by political and economic interests be ensured?
- Changes to legislation and regulatory practice.
- Short-term and longer-term recommendations for improvement.

## 3.6 Social media monitoring during elections

The threat posed by the spread of fake news, inflammatory content, and disinformation campaigns on social media during elections raise concerns about the oversight of online platforms by governments and regulatory authorities. Concerns about online media campaigns that aim to intentionally mislead the public through biased or false information, undermining democratic processes, were addressed in the Resolution 2143 (2017)[101] of the Parliamentary Assembly of the Council of Europe. Threats to electoral integrity in social media have yet to be assessed. No clear methodology or standards exist to tackle the challenge of monitoring social media networks. Traditional election observation methodology does not provide tools for monitoring social media behavior during electoral processes.

This emerging area of concern for EOMs is addressed in the Open Society Foundations Report on “Experiences of Social Media Monitoring During Elections: Cases and Best Practice to Inform Electoral Observation Missions” [102]. The report discusses the monitoring tools and methodologies used by non-EOMs and recommends creating a disinformation analyst role to enhance the effectiveness of election observation missions. It distinguishes between governmental initiatives that monitor online platforms during national elections and non-governmental initiatives, including civil society, academia, think tanks, and consultancies, that are experimenting with social media monitoring. Additionally, the report introduces a SWOT analysis of EOMs' social media monitoring efforts[103].

[101] Parliamentary Assembly of the Council of Europe. (2017). Resolution 2143 Online media and journalism: challenges and accountability. Res. 2143 - Resolution - Adopted text

[102] Open Society Foundations. (2019). Experiences of Social Media Monitoring During Elections: Cases and Best Practice to Inform Electoral Observation Missions. <https://www.opensocietyfoundations.org/publications/social-media-monitoring-during-elections-cases-and-best-practice-to-inform-electoral-observation-missions>.

[103] Open Society Foundations (2019). Experiences of Social Media..., cit.



EOMs have several strengths in social media monitoring, including their non-partisan credibility, unbiased perspective, and experience from various election contexts, often coupled with diplomatic protection. However, they face weaknesses such as a lack of training in digital monitoring, limited local context knowledge, and short timeframes for understanding the digital landscape. Opportunities for EOMs are growing, particularly due to increasing awareness of disinformation, which enhances their relevance and provides avenues for networking on electoral issues. Conversely, they also encounter threats, as their initiatives to combat disinformation can attract hostile actors aiming to undermine their credibility or target their IT infrastructure, while their monitoring efforts may be misinterpreted as invasive data collection.

The importance of media monitoring during an election campaign is also discussed in the Guide for Civil Society on Monitoring Social Media during Elections[104] developed by Democracy Reporting International (DRI) in partnership with NDI and SOFRECO under the EU-funded “Supporting Democracy” program. The Guide provides guidance on social media monitoring during elections, emphasizing the role of social media fact-checkers and electoral observers. It also advances that social media monitoring in elections can be viewed as a complement to traditional election monitoring, drawing inspiration from the Declaration of Principles for Non-Partisan Election Observation endorsed by citizen organizations.

The methodology of monitoring online media is covered in the Report on Media Monitoring and Early Warning to tackle hate speech, mitigate conflict and gender-based violence developed by the European Centre for Electoral Support (ECES)[105]. Social Media Monitoring (SMM) seeks to track and analyze the use of various social media platforms by different political actors and candidates throughout the electoral process, particularly during the electoral campaign. Some questions are addressed[106]:

- Which content is being shared during the campaign?
- What was the use of the platform by parties, actors, and candidates?
- Did the social media users, especially the political actors and candidates, respect the principles and regulations in terms of political advertisement, hate speech, disinformation, and misinformation?
- How visible were the different political actors and what does this have to do with the nature of their communication strategy?
- Was it possible for social media users to obtain sufficient information to make conscious decisions on voting day?
- Was there any violation of the law or regulations concerning the activity on social media during the election campaign?
- Which social media networks were the most used by the political actors to reach the audience, and why?

[104] National Democratic Institute. (2021). Civil Society Guide on Monitoring Social Media During Elections. <https://www.ndi.org/publications/civil-society-guide-monitoring-social-media-during-elections>.

[105] European Centre for Electoral Support. (2022). Media Monitoring and Early Warning to tackle hate speech, mitigate conflict and gender-based violence.

<https://www.eces.eu/template/ECES%20on%20Media%20Monitoring%20and%20Early%20Warning.pdf>

[106] European Centre for Electoral Support. (2022). Media Monitoring..., cit.

Paragraph 6 of the PACE Resolution 2254 (2019)[107] highlights the legal gap and regulatory vacuum concerning the governance of social media platforms which enable direct online communication between voters and political actors, emphasizing the obligations of Member States to "guarantee the right to information through independent media; in addition, they should implement effective strategies to protect the electoral process and democracy from the threat of information manipulation and undue propaganda through social media". Paragraph 9[108] urges Member States to address the risks posed by disinformation and undue propaganda on the internet and social media during elections by implementing several measures, create regulatory frameworks that ensure transparency for sponsored content on social media, and establish clear legal responsibilities for social media companies regarding illegal content that may harm candidates. Additionally, Member States must ensure that sanctions for unlawful content do not lead to self-censorship and that extreme measures, such as blocking websites, are used only in serious cases, in line with Article 10 of the European Convention on Human Rights. They should also provide specialized training for electoral management bodies and media regulators to navigate the new media environment effectively. Finally, member states are encouraged to engage all stakeholders, including internet intermediaries, media outlets, civil society, and academia, in collaborative initiatives to enhance public understanding of the dangers of disinformation and to develop appropriate responses to these challenges.

### 3.7 Post-election final assessments and recommendations

Recommendations represent a core part of the election observation process, as recognized in the 1999 OSCE Istanbul Document, Paragraph 26 of the Istanbul Summit Declaration[109]: "We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly on ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE Parliamentary Assembly - before, during and after elections - which further contributes to the democratic process".

[107] PACE.(2019). Resolution 2254..., cit.

[108] PACE.(2019). Resolution 2254..., cit.

[109] OSCE. (1999). Istanbul Document. <https://www.osce.org/mc/39569>

The OSCE/ODIHR Handbook on the Follow-up of Electoral Recommendations<sup>[110]</sup> provides extensive guidance on conducting post-election final assessments and recommendations to improve the conduct of elections. Challenges of follow-up on electoral recommendations may relate to the cooperation and agreement between government executive offices responsible for setting national policy, parliaments focused on legislative development, EMBs and other state agencies tasked with creating administrative procedures, and non-state actors like political parties, media, and civil society organizations (CSOs) engaged in reviewing internal policies and advocating for broader reforms. ODIHR principles for supporting the follow-up of electoral recommendations include<sup>[111]</sup>:

- ODIHR promotes and supports the implementation of recommendations made by election observation missions, to realize democratic rights as committed to in political agreements and legally binding treaties.
- ODIHR provides follow-up support only at the request of the participating State concerned.
- ODIHR undertakes follow-up activities in an objective, impartial, neutral and independent manner, recognizing that the ultimate responsibility for organizing elections lies with the participating States.
- ODIHR prioritizes follow-up assistance according to the needs and interests of the participating State, the time available before the next election and the resources available to ODIHR.
- ODIHR supports good practice in electoral reform by working according to the electoral cycle, encouraging political will, supporting sustainable electoral management capacities, promoting public consultation and inclusion, referring to OSCE commitments and other international obligations and standards, drawing on national and international expertise, encouraging the establishment of plans, public reporting and review mechanisms.
- ODIHR promotes political pluralism and the participation of under-represented groups in follow-up processes as a means to encourage equal opportunities for electoral participation.
- ODIHR co-operates with other international observer organizations and citizen observer groups to encourage co-ordinated follow-up support.
- ODIHR conducts follow-up activities in a transparent and open manner.
- ODIHR regularly reviews its follow-up practices to identify possible improvements.
- ODIHR encourages participating States to report on their follow-up of electoral recommendations through OSCE structures, as well as other universal and regional mechanisms.

[110] ODIHR. (2016). Handbook on the Follow-up of Electoral Recommendations. <https://www.osce.org/files/f/documents/c/8/244941.pdf>

[111] ODIHR. (2016). Handbook on the Follow-up..., cit.

The ODIHR elements of post-electoral engagement include the publication of the ODIHR final report, presentation of the report, and follow-up activities. Follow-up<sup>[112]</sup> may include activities like round table discussions on OSCE commitments, formal reviews of proposed legal amendments, and mid-term assessments by ODIHR to evaluate progress and promote further reforms. All follow-up efforts are designed to be completed before the deployment of a Needs Assessment Mission (ODIHR deploys a NAM to a participating State from four to six months before election day). These activities can also address broader issues related to democratic development and human rights, such as freedoms of association and assembly, as well as support for political parties, the judiciary, media, and other electoral stakeholders. Follow-up should begin promptly after an election concludes, as this is the most opportune time to tackle key electoral components, including legal reforms, voter registration, and election administration. The Participating State could conduct follow-up activities that include legislative review, electoral review and strategic planning, voluntary reporting at the OSCE Permanent Council and Human Rights Dimension Committee, and reporting to UN Treaty-monitoring bodies.

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[112] ODIHR. (2016). Handbook on the Follow-up..., cit.

## 4. The observation of new voting technologies

In the context of election observation mandates, the use of information and communication technologies (ICT) and new voting technologies (NVT) has raised questions about the challenges and opportunities associated with applying technology in elections. The OSCE/ODIHR Handbook for the Observation of New Voting Technologies[113] provides basic guidelines to EOMs on how to observe the use of NVT in electoral processes. The NVT Analyst plays a central role within the EOM team, focusing on the observation and evaluation of NVT during elections, assessing how NVT are implemented and their impact on the overall electoral process. The advantages and challenges of using NVT[114] in elections are mentioned in the Handbook. Advantages include the potential to increase voter turnout, facilitate participation from citizens living abroad, reduce election administration costs, enable simultaneous elections, minimize human error such as invalid ballots, enhance counting accuracy, and accelerate the tabulation and publication of results. Additionally, NVT may improve accessibility for voters with disabilities and those who speak minority languages. However, NVT also pose several challenges. One significant concern is maintaining the secrecy of the vote while ensuring the integrity of the results. NVT add complexity to the electoral process, requiring legislative amendments, careful planning for the acquisition, testing, evaluation, certification, and security of the technologies, as well as voter education and training for election officials. There are also general concerns regarding process transparency and observer access.

To ensure transparency, observers must be able to conduct assessments of the use of NVT by election administrators and vendors in deploying, testing, setting up and modifying the system, certification, testing, and audit. The EOM should ask a few questions when observing NVT-related processes[115]:

- Are all processes related to the use of the NVT open to observation by the EOM and by domestic observers?
- Has the election administration made efforts to facilitate observer access?
- What documentation is available to the EOM and to the public? How can the documentation be accessed; only physically on paper or publicly on the Internet? Are there any reports or other documents that are nonexistent or considered secret? Is there any information or documentation that the election administration itself does not have access to?

[113] ODIHR. (2013). Handbook for the Observation of New Voting Technologies. [https://www.osce.org/odihr/elections/new\\_voting\\_technologies](https://www.osce.org/odihr/elections/new_voting_technologies)

[114] ODIHR. (2013). Handbook for the Observation..., cit.

[115] ODIHR. (2013). Handbook for the Observation..., cit.

- Is the source code for the NVT software publicly available? If so, has it been checked? Is there a mechanism for verifying that the source code is the same one actually used on election day?
- Are results protocols printed and made available to observers and political parties at each level, including at the polling station level?

The OSCE/ODIHR Handbook for the Observation of Information and Communication Technologies in Elections[116] builds on the 2013 OSCE/ODIHR Handbook, incorporating the latest standards in the field of ICT, including various ICT-based election systems and processes related to voter registration or identification, as well as the management and publication of election results (referred to as "ancillary" election systems and processes), and cybersecurity considerations during elections. The EOM team must ensure that regulation of the use of ICT and NVT is provided for in national electoral laws, complying with OSCE commitments and other international standards for democratic elections. The ICT and legal analysts must determine whether ICT and NVT are regulated for the election being observed[117]:

“The EOM should examine whether the electoral legislation clearly defines at least the principles of secrecy, equality, universality, transparency, accountability and the integrity of the results. The equality and secrecy of the vote are included in the constitutions of many OSCE participating States and, if special provisions are required to ensure that ICT and NVT systems guarantee these principles, these should ideally be set out in the electoral legislation. (...) The electoral legislation should also address how the NVT system can ensure that votes are counted honestly. This means that, in the event of a legal challenge or an audit of the results, the system should allow meaningful verification of electronically cast ballots. As noted above, the possibility of a manual recount of paper records can be a means of verification when systems are operated in controlled environments. For this to be meaningful, the law should require that the paper record be both verified by the voter and retained by the system (e.g., a VVPAT). The law should determine who may request an audit or recount, under what circumstances and what the effect of the audit or recount will be, particularly where the results after these processes differ. If the law provides for a means of verification of the integrity of the results other than through manual recounts or manual audits of results, the EOM must carefully assess whether the mechanism fully guarantees the integrity of the results without compromising the secrecy of the vote.”

[116] ODIHR. (2024). Handbook for the Observation of Information and Communication Technologies (ICT) in Elections. <https://www.osce.org/odihr/elections/558318>

[117] ODIHR. (2024). Handbook for the Observation..., cit.

Guidelines for data protection standards[118] are included in the OSCE/ODIHR Handbook for the Observation of Information and Communication Technologies in Elections. The EOM must address data protection concerns, particularly when it involves recording the identities of voters, candidates, or election staff. Voters must be informed about automated data processing, the types of data collected, and who is handling their personal information. Voters should also be aware that their data will only be used for the specific election and not for any other purpose. The EOM should evaluate whether EMBs have mechanisms in place for data subjects to exercise their rights and assess how ICT and NVT align with relevant data protection regulations.

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[118] ODIHR. (2024). Handbook for the Observation..., cit.

## 5. International practice. UN electoral assistance: supervision, observation, panels and certification

The UN rarely observes elections, as clarified in the Policy on UN Electoral Assistance: Supervision, Observation, Panels and Certification[119]. The last UN election observation missions took place in Burundi in 2015 and Fiji in 2001, with prior missions occurring in the mid-1990s. Instead, the UN supports regional organizations' involvement in election monitoring while continuing to lead in other forms of electoral assistance. The 2022 UN Policy provides definitions, mandating authorities, policy principles, and key elements for the following four types of UN electoral assistance activities which include supervision of elections, election observation, expert panels, and certification of elections. The UN electoral policy represents the prescriptive guidance that applies to all entities of the UN system which provides electoral assistance with the mandate of the General Assembly or Security Council. Supervision of elections[120] refers

“to situations in which the UN is mandated to supervise key aspects of an electoral process. (...) In implementing these supervision mandates, the UN often established a supervision commissioner or a small panel (commission) whose role and authority could include: being consulted on, reviewing, and giving an opinion on, the electoral legal and procedural framework; being consulted on, and sometimes approving, steps in the management of electoral processes; and reporting or making some assessment of the vote to the mandating UN legislative organ. In such contexts, the progress of the election may have been contingent upon the UN's endorsement of each phase of the electoral process. Where the UN might not have been satisfied with electoral procedures or their implementation in a particular phase, the electoral management body (EMB) conducting the process may have been expected to act upon UN recommendations and make any necessary adjustments.”

[119] United Nations Focal Point for Electoral Assistance Matters. (2022). Policy on UN Electoral Assistance: Supervision, Observation, Panels and Certification. [https://dppa.un.org/sites/default/files/ead\\_pd\\_unea\\_supervision-observation-panel-certification\\_20220201\\_e.pdf](https://dppa.un.org/sites/default/files/ead_pd_unea_supervision-observation-panel-certification_20220201_e.pdf)

[120] United Nations Focal Point for Electoral Assistance Matters. (2022). Policy..., cit.



Electoral observation[121] is defined as

“systematic collection of information and an assessment of an electoral process by direct observation on the basis of established methodologies, often analyzing both qualitative and quantitative data. (...) UN election observation entails the deployment of a mission to observe the different phases of an electoral process and to report back to the Secretary-General, which includes the issuance of a public statement on the conduct of the election. UN election observers will, as a rule, not comment on the accuracy or credibility of the outcome overall, unless authorized by the Secretary-General. While election observation can enhance the transparency of the electoral process and may contribute to public confidence in the credibility of an election, it is not meant to validate the results or determine the legitimacy of the process.”

UN expert panels “entail the deployment of a small team to follow and report on an electoral process. A panel can be an electoral expert monitoring team, composed of experts in such areas as electoral processes or mediation, or a high-level panel composed of eminent persons of political, electoral and/or mediation profiles. Relying on its own observations as well as those of other international and national stakeholders, the panel will provide an independent assessment of the overall political and technical conduct of an election”[122]. UN expert panels have been deployed to various countries, including Nepal in 2008, Sudan from 2010 to 2011, Algeria in 2009, 2012, 2014, and 2017, New Caledonia in 2018, and Venezuela in 2021.

The UN's evaluation of the electoral process is not legally binding, but it is viewed as a judgment regarding the legitimacy of the elected body and its members, as well as the electoral process and the work of the EMB. UN electoral certification requires a mandate from the General Assembly or the Security Council and implies “a pronouncement on the legitimacy of those elected to hold office”. According to UN policy, certification is understood “as the legal process by which a national authority approves or “certifies” the final results of its own election. However, on rare occasions, the Security Council or General Assembly may ask the Secretary-General to play a “certification” role. This used to be referred to also as “verification”, and both terms, “verification” and “certification”, have been used for this type of assistance. In such cases, the UN is requested to certify the credibility of all, or specific aspects of an electoral process conducted by the national election authority. The UN is required to produce a final statement attesting to the election’s credibility”[123].

[121] United Nations Focal Point for Electoral Assistance Matters. (2022). Policy..., cit.

[122] United Nations Focal Point for Electoral Assistance Matters. (2022). Policy..., cit.

[123] United Nations Focal Point for Electoral Assistance Matters. (2022). Policy..., cit.

UN verification missions were conducted in Angola, El Salvador, Haiti, Nicaragua, South Africa, Mozambique, Timor-Leste, and Cote d'Ivoire. Paragraph 57 of the UN Policy clarifies that a UN electoral certification mandate requires the organization to assess the credibility of an election. This assessment involves both technical and political considerations, drawing on national and international legal frameworks, including regional agreements ratified by the Member State, as well as other political commitments. It encompasses at least two key components: an evaluation of the legitimacy of the entire electoral process, which includes aspects such as boundary delimitation, voter registration, candidate nomination, campaigning, polling, counting, results tabulation, and dispute resolution, and an assessment of whether the election result genuinely represents the will of the voters.

## 6. Experiences from election observations in OSCE Participating States

### ODIHR Election Observation of the 2024 European Parliament Elections

Approximately 361 million voters were registered to vote for the 6-9 June 2024 European Parliament Elections, choosing to cast their ballot for more than 16,000 candidates, divided between some 530 party and independent lists registered in an inclusive manner[124]. ODIHR was invited by all the European Union Member States to observe the 6-9 June 2024 elections to the European Parliament (EP), to assess the conduct of the elections for their compliance with OSCE commitments and standards for democratic elections. In line with its mandate, ODIHR conducted a pre-election needs assessment mission to assess the pre-election environment and the preparations for the elections, and released the ODIHR Needs Assessment Mission Report[125]. Based on this Report, ODIHR sent a special election assessment mission (SEAM) to the European Parliament Elections to follow and assess specific electoral issues including: practical implementation of the European and national legal frameworks, controls on party and campaign finance, monitoring social networks of selected parties, candidates and institutions at the European level, voter and candidate registration, participation of under-represented groups (women, youth, national minorities, and people with disabilities), and the participation of citizen observers and international observers. The Special Election Assessment Mission published its preliminary findings[126] and conclusions the day after the elections, on 10 June.

The main findings of the pre-election needs assessment mission are introduced in the OSCE/ODIHR Special Election Assessment Mission Report[127]. The Report reveals that some stakeholders have called for additional EU regulations, such as lowering the voting age and creating a transnational constituency, but proposed amendments have not progressed.

[124] ODIHR. (2024). Special Election Assessment Mission. European Parliament Elections, 6-9 June 2024. Statement of Preliminary Findings and Conclusions. [https://www.osce.org/files/f/documents/1/8/570492\\_1.pdf](https://www.osce.org/files/f/documents/1/8/570492_1.pdf)  
[125] ODIHR. (2024). ODIHR Needs Assessment Mission Report. <https://www.osce.org/odihr/elections/563097>  
[126] ODIHR. (2024). Special Election Assessment..., cit.  
[127] ODIHR. (2024). ODIHR Needs..., cit.

Elections are conducted by national electoral bodies, which vary in structure and voting methodology across Member States. While there have been efforts to improve access for persons with disabilities, more progress is needed to comply with CRPD obligations. Overall, there is strong confidence among stakeholders in the integrity and professionalism of election management bodies and the execution of election-day procedures. The media landscape is also addressed in the Report[128]. Stakeholders from the ODIHR Needs Assessment Mission noted a generally high standard of independent and investigative journalism available to citizens, with most expecting no significant barriers for national parties accessing media outlets. However, concerns were raised regarding media polarization, politicization, and a lack of transparency in media ownership and regulatory independence in some countries. Additionally, several non-binding initiatives have been recently introduced to enhance the safety of journalists, addressing issues like abusive litigation and harassment, both online and offline. The Report detected gaps in EU Legislation for election dispute resolution[129] across Member States, meaning that all disputes from European Parliament elections are governed by differing national laws and handled at the national level. While most stakeholders from the ODIHR Needs Assessment Mission did not express significant concerns about the accessibility and effectiveness of the available appellate processes, some raised issues regarding the effectiveness of remedies in certain countries. Specifically, they pointed to concerns about the perceived lack of judicial independence and inadequate expedited review processes in those Member States.

The ODIHR report highlights significant variation in electoral legislation across EU Member States regarding access for observers at different stages of the electoral process: “The electoral legislation across Member States provides differing levels of access of citizen, non-partisan and partisan, and international observers to various phases of electoral process, and in some cases, despite previous ODIHR recommendations, does not provide explicit rights of election observation. Practices also vary among political parties and civil society organizations and their efforts to observe election processes, including but not limited to election day procedures, as well as public awareness of such initiatives and rights. All European Union Member States have facilitated previous ODIHR election-related activities”[130]. No major concerns were raised about the respect for fundamental freedoms or the functioning of election management bodies during election day proceedings. However, several electoral issues were identified for further analysis, particularly regarding the practical implementation of legal frameworks, the regulation of online campaigns and political advertising, especially on social media, party and campaign finance controls, and the lack of harmonization in administrative processes like voter and candidate registration across Member States.

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[128] ODIHR. (2024). ODIHR Needs..., cit.

[129] ODIHR. (2024). ODIHR Needs..., cit.

[130] ODIHR. (2024). ODIHR Needs..., cit.

These findings are further clarified and complemented in the OSCE/ODIHR Special Election Assessment Mission, Statement of Preliminary Findings and Conclusions<sup>[131]</sup> released on 10 June, before the electoral process was fully complete. The final assessment considers the remaining stages, such as the counting, tabulation, and announcement of results, as well as any post-election complaints or appeals. A comprehensive final report, including recommendations for improvements, will be published several months after the electoral process concludes. The Statement of Preliminary Findings and Conclusions reveals that the European Parliament Elections were conducted in a competitive and well-organized manner, with fundamental freedoms upheld. However, it detected that, “While national laws generally provide a sound basis for respecting fundamental civil and political rights and conduct of democratic elections, different conditions for voting and candidacy rights create unequal circumstances for universal suffrage. Attempts to harmonize electoral legislation at the European level have been made but have not yet materialized”<sup>[132]</sup>. The elections occurred against a backdrop of increasing political polarization and rising security and cost-of-living concerns. The election campaign was largely subdued, with some instances of political violence and threats against politicians and journalists<sup>[133]</sup>:

“Despite recommendations by international human rights bodies, including the OSCE Representative on Freedom of the Media, criminal defamation and insult laws remain in place in 23 Member States. As noted by ODIHR in its election observation activities in EU Member States, many interlocutors highlighted the growing use of lawsuits, filed mainly on defamation grounds, targeting journalists, media outlets, and civil society with the intention to intimidate and silence critics by burdening them with expensive and time-consuming litigation. Although journalists generally enjoy a high level of safety in the EU, increasing political polarization has resulted in a more antagonistic approach displayed by some politicians toward critical media in recent years. Such actions, combined with inflammatory rhetoric, encourage hostile behaviour towards the media, leading to an increased number of physical and online attacks on journalists, especially women. The reported usage of spyware against journalists in some EU states, further contributes to self-censorship.”

The document highlights that the Digital Services Act, aimed at combating disinformation, is a positive development, although more rigorous oversight of online platforms is needed so that they fulfill the obligation to mitigate systemic risks associated with electoral processes. To ensure a fully inclusive electoral process, under-represented groups require greater commitment and initiatives at both European and national levels. The document also shows that, contrary to international standards and commitments, many Member States do not permit independent candidates, creating unequal campaign conditions.

[131] ODIHR. (2024). Special Election Assessment..., cit.

[132] ODIHR. (2024). Special Election Assessment..., cit.

[133] ODIHR. (2024). Special Election Assessment..., cit.

A key finding is the fact that most Member States do not grant full access for citizen and international observers, which undermines the transparency of the electoral process. Guarantees of domestic and international observers' rights in electoral law exist in eight Member States, including Bulgaria, Croatia, Estonia, Finland, Lithuania, Poland, Romania, and Slovenia, while other countries have no explicit or insufficient regulations on international and domestic electoral observation in their electoral laws: "In line with their OSCE commitments, some Member States provide for both citizen and international observation. However, the legislation of many Member States does not explicitly prescribe such a requirement.

The lack of explicit provisions and guarantees for citizen and international observation of all stages of the electoral process decreased transparency and is at odds with Paragraph 8 of the 1990 OSCE Copenhagen Document"[134]. The observers' right to observe certain stages of the electoral process is guaranteed in Latvia and Slovakia. "Eleven Member States do not have explicit legal provisions for observation, though in six of these, Denmark, France, Germany, Malta, Spain and Sweden, the electoral process is open to the public without accreditation. In Cyprus, Greece, Ireland, Italy and Portugal, observation is not provided for and is not facilitated"[135]. The Statement of Preliminary Findings and Conclusions clarifies that all EU Member States have invited ODIHR to observe the elections and have facilitated access to the entire electoral process.

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[134] ODIHR. (2024). Special Election Assessment..., cit.

[135] ODIHR. (2024). Special Election Assessment..., cit.

## 7. Conclusions

This background report reviews the standards for democratic elections, understood as “collective expression of sovereignty and an inalienable right of citizens”[136], identifying the main international frameworks for supervising, monitoring, and observation of the electoral process. Comprehensive overviews of key legal benchmarks, standards for democratic elections and election monitoring, and assessment criteria are covered in many political and legal declarations, European texts, parliamentary observations, recommendations, and standard-setting documents. Official documentation on the most relevant European norms for elections is provided on the website of the Venice Commission and of the European Parliament. This includes updated frameworks on legal instruments in support of democracy and International human rights obligations, central electoral management bodies, electoral systems, training and election management, election dispute resolution, media and elections, electoral law obligations and standards for the election process, electoral good practice, and the conditions required for election-related activities.

The study shows that across the European Union, supervising, monitoring, and observing the electoral process is standard practice. The foundation of European electoral law lies in Article 3 of the First Protocol (1952) to the European Convention on Human Rights, which guarantees free elections, and the European Court of Human Rights has built case law based on this provision. The Code of Good Practice in Electoral Matters (2002) is a core document from the Council of Europe that encapsulates European electoral norms, grounded in constitutional principles of electoral law. The OSCE's Copenhagen Document (1990) sets out broader, non-exhaustive rights and state obligations regarding elections, though it lacks specific criteria for evaluating the freedom of electoral processes and remains politically rather than legally binding. The various OSCE/ODIHR Handbooks provide detailed criteria for election assessments used by international and domestic observers. Election observation criteria were formalized in the Declaration of Principles for International Election Observers (2005), endorsed by international organizations like the United Nations.

Depending on the country's electoral laws, constitutional framework, and judicial organization, monitoring is overseen either by ordinary courts or by courts specifically designated for electoral issues, while electoral observation is conducted by domestic and international stakeholders. The study shows that election monitoring and observation are crucial in preventing and detecting intentional deception and electoral fraud, ensuring equal opportunities for election competitors. A "level playing field" is crucial for elections to meet international democratic standards, such as those outlined in Article 25 of the International Covenant on Civil and Political Rights and Article 3 of the First Protocol to the European Convention on Human Rights.

[136] Venice Commission and GNDEM. (2012). Declaration of Global Principles..., cit.

EU observation methodology is consistent with the European Commission Communications and is in line with the Declaration of Principles for International Election Observation commemorated at the United Nations in 2005. The standard observation and media monitoring methodologies evaluate all aspects of the electoral process, including the pre-election period, election day, and post-election assessment. This report reveals that traditional election observation methodology does not provide tools for monitoring social media behavior during electoral processes. Member States are required to explore methods for upholding the principles of fairness, balance, and impartiality in media coverage of election campaigns, and to adopt necessary measures to incorporate these principles into domestic laws or practices, ensuring compliance with constitutional law.



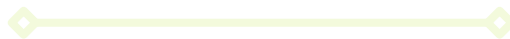
## 8. Recommendations for reform in Lebanon

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- Leveraging the European Union’s Electoral Heritage principles and in accordance with the mandate of ODIHR, Lebanese lawmakers and policymakers should adhere to international standards and consider introducing legislative measures to ensure the right to free and direct elections, as well as the protection of basic rights, especially freedom of expression and the press, freedom of movement within the country, freedom of assembly, and freedom of association for political purposes, including the formation of political parties.
- Consistent with OSCE human dimension commitments, legislative support for democratic governance, migration and freedom of movement, and gender equality should be considered.
- Consideration should be given to amending laws to explicitly guarantee fundamental rights and ensure the stability of electoral processes. This includes implementing effective procedural safeguards, such as organizing elections through an impartial body, establishing robust mechanisms for election observation, and creating an efficient system for appeals that provides remedies for election disputes.
- Modernized legislation should define clear rules for organizing, monitoring, and evaluating the electoral process, thereby enhancing institutional accountability. To build voter confidence in the integrity of election results, authorities should conduct testing of the voting, counting, and tabulation processes, as well as ensure effective coordination of results reporting systems before the election takes place.
- In line with international standards, modernized legislation should include provisions that require the state to promote gender equality, addressing the underrepresentation of women in public and political life, and the underrepresentation of minority communities in public and political spheres. Additionally, the legislation should implement measures to combat harassment against women during their political tenure.
- In line with international standards, changes to the legal framework within a year of an election should generally be avoided. Such changes should be done through wide consultation with various stakeholders, including political parties and citizens.

- In line with international standards, electoral monitoring bodies should be tasked with overseeing the fairness of elections, upholding a fundamental democratic principle by ensuring compliance with established legal procedures, guaranteeing suffrage, and ensuring that voting is individual, equal, free, and confidential, while also preventing unlawful restrictions on eligible candidates. Electoral monitoring bodies should be tasked with overseeing freedom of expression and association, allowing participants to freely present their political platforms and ensuring the media can convey various electoral messages, promoting equality among candidates by preventing misuse of power for personal gain and ensuring compliance with campaign funding regulations.
- Lebanese lawmakers and policymakers could adopt similar electoral legislation to that available in European Member States, as a sound basis for respecting fundamental civil and political rights.
- In line with the OSCE Commitments, modernized electoral legislation should guarantee explicit domestic and international observers' rights, granting full access to observers in all aspects of the electoral process, enhancing the transparency of the electoral process, and complying with the ODIHR recommendations.
- Drawing on the example of the Member States who guarantee domestic and international observers' rights in electoral law, Lebanese lawmakers and policymakers could explicitly prescribe provisions and guarantees for citizen and international observation of all stages of the electoral process. Such observation could take place through various formats, including individual international observer missions, temporary joint missions, or coordinated international observation efforts, based on the electoral assistance and observation methodology recommended by ODIHR.
- The use of ICT and NVT require legislative amendments, as well as careful planning for acquisition, testing, evaluation, certification, security, voter education, and training for election officials.
- Lebanese lawmakers and policymakers should enforce mechanisms for election cybersecurity, gradually integrating technology systems in different phases of the electoral cycle by EMBs, drawing on examples from the OSCE/ODIHR methodology. EOMs could observe and assess the use of NVT in electoral processes.
- Modernized legislation should introduce explicit disclosure requirements for donations to political actors from state-owned or controlled companies. It should also address and establish clear rules for strengthening transparency obligations on disclosing political candidates' financial interests, campaign finance, electoral advertisements, political advertising, and political ad spending by candidates, parties, and third-party entities. Lebanon could adopt similar obligations drawing on examples from the Regulation on the Transparency and Targeting of Political Advertising (TTPA).

- To guarantee inclusive elections, including full and effective implementation of the political rights of persons with disabilities, to reduce unequal circumstances for universal suffrage, and to ensure that voters able to make an informed choice, legislation should be amended in line with the standards of non-discrimination enshrined in the Convention on the Rights of Persons with Disabilities. Lebanese lawmakers and policymakers should provide accessible voter education materials, including voting instructions in formats accessible to voters with disabilities, sign language interpretation, and plain language text. Voter education and electoral materials, including ballot papers, should be provided in national minority languages.
- To guarantee inclusive elections, the electoral commission should choose polling station locations or make all reasonable accommodations to allow accessibility for all types of disabilities.
- To encourage voter participation, Lebanese lawmakers should allocate public funds to raise awareness about the electoral process, educating the public about elections and encouraging participation.
- To reduce the dissemination of electoral falsehoods and the creation of disinformation campaigns at scale, social media monitoring should be conducted by election observer missions, which should count on disinformation analysts.
- Financial support schemes should be awarded to independent media outlets to promote objective media reporting and coverage of elections, and to counteract political propaganda that may hinder voters' ability to make informed choices.
- In line with international standards, Lebanese lawmakers and policymakers should promote and consolidate international cooperation in the elections field.



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