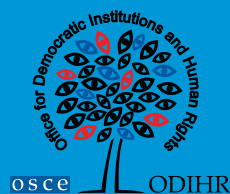




Handbook on the Follow-up of Electoral Recommendations

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Foreword

In the early 1990s, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) pioneered election observation to support the development of democratic processes and institutions across the OSCE's participating States. Since then, ODIHR has observed more than 300 elections, and the Office's election observation activities have played an important role in promoting transparency and accountability, as well as enhancing public confidence in electoral processes.

Yet election observation is not an end in itself. If observation is to have a meaningful impact, the underlying intention must be to assist participating States in implementing their election-related commitments and obligations. Thus, a core part of election observation is the final assessment and recommendations offered by ODIHR to improve the conduct of elections. Election observation will be beneficial only to the degree that these recommendations are given serious consideration and effectively addressed. If they are not, there is a real risk that electoral shortcomings and vulnerabilities will persist and, in all likelihood, increase.

The importance of follow-up to recommendations has been repeatedly acknowledged by participating States. At the 1999 Istanbul Summit, for example, they committed themselves to "follow up promptly the ODIHR's election assessment and recommendations" and recognized "the assistance the ODIHR can provide to participating State[s] in developing and implementing electoral legislation".

ODIHR has consistently sought to promote the effective follow-up of electoral recommendations, and in recent years we have intensified our efforts. We regularly present our final reports with recommendations "in-country" following an election, as a means to maintain constructive dialogue with the authorities and to discuss ways in which we can assist in the follow-up of recommendations. We also support states through legal reviews and expert opinions on electoral frameworks, through meetings and roundtables on specific electoral issues, and through technical advice on matters of implementation.

ODIHR has conducted follow-up activities for many years, and we hope that this handbook will help to establish a more systematic approach that provides clarity and consistency, and also encourages greater attention to the implementation of recommendations. We have developed this handbook as part of

ODIHR's continued efforts to improve our methodology and to increase professionalism in our election observation activities.

We are confident that this handbook will enhance the impact of observation and the quality of follow-up activities across the OSCE region. It should serve as a useful tool for participating States interested in the follow-up of electoral recommendations and as a practical guide for ODIHR in supporting states in their efforts.

We wish to thank the many experts and organizations that have provided valuable feedback throughout the development of this handbook, particularly our counterparts who have endorsed the Declaration of Principles for International Election Observation. This handbook would not have been possible without their support and co-operation.

Michael Georg Link
ODIHR Director



1. Introduction

1.1 About this Handbook

In the early 1990s, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) began its election observation work to support the development of democratic processes and institutions in participating States. Election observation has played an important role across the OSCE region in promoting transparency and accountability, as well as enhancing public confidence in electoral processes.

Election observation, however, is not an end in itself; it is intended to assist participating States in implementing their election-related commitments and obligations. A core part of election observation is the recommendations offered to improve the conduct of elections. Election observation will be beneficial only if these recommendations are given serious consideration and effectively addressed. This has been recognized by all participating States, which committed themselves in the 1999 OSCE Istanbul Document "to

follow-up promptly ODIHR's election assessments and recommendations". Since then, such follow-up has become increasingly important to participating States, as well as to the work of ODIHR in supporting states in their efforts to improve their electoral processes.

This handbook sets out ODIHR's approach and practices in assisting participating States in the follow-up of electoral recommendations. While ODIHR has conducted follow-up activities for several years, this handbook aims to establish a more systematic approach that provides clarity and consistency and promotes greater attention to the implementation of recommendations. It has been developed on the basis of generous extra-budgetary contributions as part of ODIHR's continued effort to improve its methodology and to increase professionalism in election observation activities.

The handbook is primarily intended for actors in OSCE participating States addressing ODIHR's electoral recommendations, but it will also be of use to those following up on recommendations outside the OSCE region. The handbook is written for state authorities, political parties, media, citizen observer groups and civil society organizations (CSOs) involved in follow-up, as well as other international organizations.

For the purpose of this handbook, follow-up is defined as actions by state authorities and non-state actors to implement and fulfil recommendations made by election observation and assessment missions to realize democratic rights committed to in political agreements and legally binding treaties. Follow-up involves making improvements to the legal framework and the conduct of elections. This may be supported by ODIHR and other international organizations through dedicated follow-up activities.

1.2 How to use this Handbook

This handbook outlines the key elements involved in the effective follow-up of electoral recommendations. Chapter 2 describes the background to ODIHR's approach to follow-up and the associated benefits and challenges. Chapter 3 provides an overview of the OSCE commitments, international obligations and other standards that encourage states to address electoral recommendations and that provide the basis for follow-up activities.

Chapter 4 places follow-up within both the broader electoral cycle approach and, in particular, the narrower period of post-election engagement. Chapter 5 identifies good practices that can enhance the effectiveness of follow-up, while Chapter 6 outlines possible mechanisms for participating States to

follow up on electoral recommendations, as well as detailing the follow-up activities that ODIHR can offer to support states in their efforts.

Chapter 7 describes ODIHR's co-operation with national counterparts and other international actors involved in follow-up, both within the OSCE and outside the organization, and Chapter 8 presents ways in which the implementation of ODIHR recommendations can be assessed. Chapter 9 focuses on the need to ensure the participation of politically under-represented groups in follow-up processes, including women, national minorities and persons with disabilities.

Finally, the handbook contains three annexes. Annex A presents the key OSCE commitments, international obligations and other standards related to follow-up. Annex B lists additional sources and materials related to follow-up. Annex C provides a list of commonly used acronyms and abbreviations.



2. Background to the Follow-up of Electoral Recommendations

2.1 Electoral Follow-up in Context

As a community of states committed to the respect for human rights, democracy and the rule of law, the OSCE has emphasized democratic elections as a key pillar of long-term security and stability. All OSCE participating States have committed themselves to inviting election observers from other OSCE participating States, ODIHR and the OSCE Parliamentary Assembly, as well as from citizen observer groups.

The purpose of an ODIHR election observation activity is to assess the extent to which an electoral process complies with OSCE commitments and other international obligations and standards for democratic elections, whether national legislation reflects these commitments, and how it is implemented. The objectives of election observation include identifying areas for improvements and formulating concrete and operative recommendations that will

support efforts by participating States to further enhance the conduct of their elections.

To date, ODIHR has conducted over 300 election-related activities in 56 of the 57 OSCE participating States, as well as in certain OSCE Partner for Co-operation countries under a special mandate from the OSCE Permanent Council.¹

2.2 Why Follow up on Recommendations?

The expansion of election observation over the last two decades demonstrates the increasing importance placed on elections by the international community. This includes growing political interest in supporting democratic growth and consolidation, as well as increased awareness of the profound risks associated with problematic elections, including for security and stability.

Observation activities have proven to be effective tools for assessing the conduct of elections and identifying areas in which improvements can be made to safeguard democratic rights and promote long-term electoral development.² Recommendations from election observation activities are a key part of the service provided by organizations undertaking credible observation and are made to identify practical ways in which elections can be improved in order to fulfil OSCE commitments and other international obligations and standards.

If recommendations are not addressed, electoral shortcomings and vulnerabilities are likely to persist, and may worsen. This not only places the protection of key human rights at risk, but it may also have a detrimental impact on the perceived credibility of an electoral process and contribute to security concerns at the national and regional levels. The non-fulfillment of recommendations may also lead to negative responses from international actors that have an interest in promoting and protecting human rights, possibly leading to restrictions on political co-operation, development assistance or international trade. As a result, the implementation of recommendations has become an area of interest for both national and international stakeholders.

1 The only remaining participating State is the Holy See. ODIHR deployed Election Support Teams to Afghanistan in 2004, 2005, 2009, 2010 and 2014. ODIHR undertook activities to support electoral processes in Tunisia between 2012 and 2014.

2 ODIHR has developed several formats of election-related activities in order to respond effectively to the needs of the participating State. This includes the Election Observation Mission, Limited Election Observation Mission, Election Assessment Mission, and Expert Team. For further information, see chapter Five of the ODIHR Election Observation Handbook (6th Edition). Throughout this handbook, unless otherwise noted, the term "election observation mission / activity" encompasses all types of ODIHR election mission formats.

ODIHR has responded to participating States' requests for support in addressing electoral recommendations through a variety of activities. These have included providing legal reviews and expert opinions on electoral frameworks, organizing roundtables and expert meetings, and providing technical advice. A number of participating States have also adopted the good practice of voluntarily reporting on their follow-up of electoral recommendations to the OSCE Permanent Council, the Human Dimension Committee and at other meetings and events. Chapter 6 outlines these and similar activities in more detail.

Beyond the OSCE, other means for supporting the follow up of electoral recommendations have been developed. At the global level, various United Nations mechanisms create a remit to review the implementation of political and electoral rights as outlined in human rights instruments, including the 1948 Universal Declaration of Human Rights (UDHR) and the 1966 International Covenant on Civil and Political Rights (ICCPR). At the regional level, Council of Europe bodies, including the European Court of Human Rights (ECtHR), and those of the Organization of American States (OAS), including the Inter-American Court of Human Rights, play a similar role. The European Union has likewise developed a number of policies and activities designed to promote the follow-up of electoral recommendations, both within and outside of EU member states. Similarly, treaties and documents of the Commonwealth of Independent States (CIS) envisage mechanisms for addressing electoral recommendations

2.3 The Challenges of Follow-up

Addressing electoral recommendations is complex and involves a variety of actors. These may include, executive offices of the government for defining national policy, parliaments for legislative development, election management bodies (EMBs) and other state agencies for elaborating administrative procedures, and non-state actors such as political parties, media and CSOs in the review of internal policies and in the advocacy and monitoring of broader reforms. While OSCE commitments and other international obligations and standards provide a framework for democratic elections, context and national dynamics mean that each electoral situation is different.

A number of reasons can be identified as to why participating States may be unwilling or unable to follow up on electoral recommendations. These include:

- Lack of political will, particularly if incumbent governments and politicians are resistant to change that could undermine their political position and access to power;
- Lack of support in parliament, particularly where electoral reform is seen as politically divisive or requiring change to fundamental aspects of the constitution;
- Lack of professional expertise to address recommendations;
- Lack of financial resources to implement reforms that require significant infrastructural changes;
- Lack of time before the next elections take place, or if early elections are called;
- Outbreak of war, instability or civil unrest; and
- National counterparts consider recommendations unconvincing, insufficiently targeted or inappropriate to the national context.

International actors can also experience challenges in assisting with the follow-up of electoral recommendations, particularly on issues where states are afforded a wide margin of discretion in fulfilling international obligations and commitments. International actors can highlight the obligations, commitments and standards that should be upheld; identify gaps or ambiguities in compliance; and provide assistance in strengthening their implementation. However, it is ultimately the state's responsibility to address these issues, and reform requires strong national ownership. The provision of international support may also be hindered when there is domestic political resistance, institutional inertia, weak civil society or a lack of independent media.

2.4 Where, What and When to Follow-up

ODIHR only observes elections held in OSCE participating States.³ As such, follow-up activities are generally confined to the OSCE region, although some activities may be undertaken in OSCE Partner for Co-operation countries. ODIHR provides follow-up support only at the specific request of the participating State concerned. ODIHR does not conduct follow-up activities immediately prior to, or during, an election period, as this could be seen as compromising its ability to provide an independent, impartial assessment of an election.

³ Unless, on an exceptional basis, ODIHR receives a special mandate from the OSCE Permanent Council.

Follow-up is based on the findings and recommendations of ODIHR's election observation final reports. As discussed in Chapter 4, final reports indicate that some recommendations are priorities and these should be treated as a central element of any follow-up process. Due attention should also be given to the recommendations that are prioritized by the OSCE participating State, so as to ensure an inclusive approach and national ownership.

ODIHR conducts numerous election observation activities in any given year, but does not necessarily have the required human and financial resources to conduct follow-up activities after each mission. Therefore, a careful allocation of resources is required in order to maximize the effectiveness of these activities. In light of this, the following indicators provide a basis for determining where to prioritize follow-up engagement.

1. **Interest of the authorities.** This includes an acknowledgement of a need to improve the conduct of elections, as well as taking initial actions, such as holding public dialogue on reform, developing implementation plans and formally requesting ODIHR assistance.
2. **Degree of need.** This can be assessed according to the findings and recommendations in prior ODIHR final reports. Consideration may also be given to the risk of election-related disputes or violence in future elections.
3. **Time available.** Time is needed to allow for broad consultation with electoral stakeholders, the review and adoption of legislation, the development of procedures, and training and voter education programmes. If time is short before the next election, recommendations may be reviewed to identify potential risks of taking follow-up actions in a shortened time-frame and to revise priority activities.
4. **Complementarity.** Consideration is given to follow-up activities being undertaken by both national and international organizations and how ODIHR can complement such activities, in a manner that avoids duplication and gaps, while adding value to the process.

These indicators for prioritizing follow-up can also be used to periodically review the value of continuing follow-up activities, including the need for possible recalibration. This may be particularly important if there is an identified risk of serious election-related disputes and violence occurring.

ISTANBUL 1999 (Charter for European Security, par. 25)

25. We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

3. OSCE Commitments and Other International Obligations and Standards for Follow-up

The obligation to hold genuine elections that reflect the free expression of the will of the people is well established, as reflected in Article 21 of the UDHR and Article 25 of the ICCPR. In the 1990 OSCE Copenhagen Document, all participating States agreed that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and the legitimacy of all government”.

The OSCE Copenhagen Document, the ICCPR and other international human rights instruments make it clear that states must take necessary steps to give effect to these rights. This extends to ensuring that the legal framework incorporates the international obligations and commitments agreed to by states, as well as ensuring conformity with them in practice. While states enjoy a wide degree of discretion in implementing such obligations and commitments, the recommendations of ODIHR election observation activities and other human

rights bodies can provide authoritative guidance in bringing legislation and practice closer in line with electoral obligations and commitments.

Importantly, a number of OSCE documents promote participating States' adherence to universal — as well as to some regional — human rights instruments. For example, the 1975 Helsinki Final Act commits states to “act in conformity with the UDHR” and to “fulfil their obligations set forth in the international declarations and agreements in the field, including inter alia the International Covenants on Human Rights, by which they may be bound”. The 1983 Madrid Document explicitly called “on those participating States, which have not yet done so, to consider the possibility of acceding to the covenants”. Later OSCE documents reiterate the importance of acceding to international human rights treaties, related optional protocols and the 1950 European Convention on Human Rights (ECHR).⁴

Participating States have also recognized that the fulfillment of commitments, including election-related ones, is not an internal affair, but should be considered as a matter of international concern. In the 1991 Moscow Document, participating States “categorically and irrevocably” declared that the “commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong to the internal affairs of the State concerned”.

At the 2010 Astana Summit, participating States reaffirmed their “full adherence” to a range of OSCE and universal instruments, as well as their “responsibility to implement them fully and in good faith”.

3.1 OSCE Commitments

ODIHR is the leading institution within the OSCE mandated to pursue programmes and activities in the follow-up of electoral recommendations. The 1990 Charter of Paris established ODIHR (then named the Office for Free Elections) with the mandate to “foster the implementation” of election-related commitments, especially those of the 1990 OSCE Copenhagen Document.

OSCE participating States have frequently and explicitly committed themselves to follow up on ODIHR's electoral recommendations. The importance

4 See also paragraph 13.2 of the 1989 Vienna Document on acceding to international human rights treaties in general, and paragraph 15 on the Convention for the Elimination of All Forms of Discrimination against Women, as well as paragraph 40.2 of the 1991 Moscow Document on the same convention. Paragraph 5.20 and 5.21 of the 1990 Copenhagen Document refers to acceding to human rights treaties generally, including the ECHR. Paragraph 32, Chapter VI, of the 1992 Helsinki Document refers to accession to the International Convention on the Elimination of All Forms of Racial Discrimination.

of follow-up was emphasized by the heads of participating States at the 1999 Istanbul Summit, where they agreed to “follow up promptly the ODIHR’s election assessment and recommendations” and recognized “the assistance the ODIHR can provide to participating State[s] in developing and implementing electoral legislation”.

This followed an annex to the 1998 Oslo Ministerial Council Document, in which participating States were encouraged to “follow up promptly on the recommendations made by the ODIHR after an election”. It also noted that “the ODIHR should offer to the State concerned its assistance in implementing those recommendations and should report to the Permanent Council on the status of their implementation”.

The commitment to follow up on electoral recommendations was reiterated in several later OSCE Ministerial Council Decisions. At the 2002 Meeting in Porto, participating States recognized “the ODIHR’s expertise in assisting participating States in the implementation of election-related commitments” and agreed “to strengthen their responses to ODIHR recommendations”. At the 2003 Meeting in Maastricht, participating States agreed to “inform the OSCE Permanent Council on progress made in fulfilling this task”. At the 2006 Meeting in Brussels, participating States emphasized that they were “responsible for the effective implementation of their commitments, undertaken in the OSCE” and that ODIHR “plays an important role in assisting them” including by “reviewing election legislation”. The Meeting in Brussels followed a 2005 Panel of Eminent Persons report, which stated that participating States and ODIHR should “pay more attention to post-election follow-up through dialogue and practical co-operative support” and that “after consultation with the State concerned, ODIHR should report to the Permanent Council on election follow-up”.

A number of commitments also provide specific guidance to participating States in their follow-up processes. For example, paragraphs 5.7, 5.8 and 7.1 of the 1990 OSCE Copenhagen Document commit participating States to guarantee electoral rights in law, which should be adopted at the end of a public procedure, and that those laws be accessible to everyone. In terms of an inclusive process, paragraph 18.1 of the 1991 Moscow Document affirms that legislation will be formulated and adopted as the result of an open process reflecting the will of the people. Likewise, paragraph 27 of the 1999 Istanbul Document emphasizes the important role of non-governmental organizations in ensuring the fulfilment of human rights and fundamental freedoms.

Collectively, these documents commit OSCE participating States to follow up on ODIHR's electoral recommendations and affirm the important role that ODIHR can play in supporting follow-up.

3.2 Universal Instruments

The UN provides a global framework that can guide the follow-up of electoral recommendations and help states improve the conduct of their elections. The UN has consistently recognized the importance of credible democratic elections in the implementation of its mandate to maintain peace and security. Of the 57 OSCE participating States, 56 are UN member states and one is a permanent observer.

The UN system distinguishes between treaty-based and charter-based human rights instruments. UN treaties generate the greater part of universal obligations that relate to elections. The main human rights treaty relevant to elections is the ICCPR. Framed within the broader right to participate in political and public life, it includes obligations on the right to stand and vote, on fundamental freedoms and on the right to effective remedy. Other treaties provide enhanced protection of electoral rights for specific groups, or extend rights by addressing additional thematic issues. Relevant treaties include the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which refers to electoral rights without distinction or discrimination, and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which includes obligations on women's political participation. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) protects electoral rights for migrants and their families, and the 2006 Convention on the Rights of Persons with Disabilities (CRPD) provides explicit rights regarding the political participation of persons with disabilities. In addition, the 2003 Convention against Corruption (UNCAC) includes provisions on the transparency of public administration bodies and campaign finance.

For up-to-date information concerning ratification and signature status of instruments within the UN system by OSCE participating States, check the UN Treaty Collection database at: <https://treaties.un.org/>.

Each of these treaties establishes a body, consisting of independent experts, to monitor the compliance of states that have ratified or acceded to them. In the case of the ICCPR, for example, it is the Human Rights Committee

(CCPR).⁵ The treaties bind state parties to respect the authority of the corresponding treaty-monitoring body. Such bodies typically issue authoritative interpretations (“general comments” or “general recommendations”) elaborating on treaty obligations. Notably, CCPR General Comment 25 affirms that the right to participate in public affairs should include the opportunity to contribute to the formulation and implementation of international, national and local policies.

The treaty-monitoring bodies also examine regular reports from state parties on measures adopted to give effect to the treaty rights in the form of “Concluding Observations”, which, importantly, make recommendations to states on how to ensure the enjoyment of such rights. The extent to which these recommendations are addressed should be reported on by the state in its next regular report. Concluding Observations have been issued for all OSCE participating States, often by multiple treaty-monitoring bodies.

Some states have ratified or acceded to additional optional protocols to certain treaties, which give the respective treaty body the authority to deal with communications from individuals who claim to be victims of a treaty violation, upon exhaustion of domestic remedies. Decisions on individual complaints constitute authoritative interpretations of the treaty in question. State parties have committed to respect the findings of the treaty bodies, which, in turn, have developed follow-up procedures to monitor whether states implement their recommendations. When a violation is established, a state usually has six months to provide information on the steps taken to address it. If the state fails to take appropriate action, the case remains open and a formal dialogue is pursued until a satisfactory outcome is reached.

A number of UN Charter-based bodies may also play a role in the follow-up of electoral recommendations. This includes the Security Council and the General Assembly, whose resolutions may directly reference elections in a given country or in respect of a particular theme. For example, the General Assembly issues a standing resolution every two years on enhancing electoral principles. In 2013, for the first time, and again in 2015, the General Assembly resolution affirmed the obligation of UN member states to take all appropriate measures to ensure that every citizen has an effective right and opportunity to participate in elections on an equal basis. In 1998, the General Assembly issued a declaration on rights and responsibilities, affirming that everyone has

5 The other treaty bodies are, respectively: the Committee on the Elimination of Racial Discrimination (CERD); Committee on the Elimination of Discrimination against Women (CEDAW Committee); Committee on Migrant Workers (CMW); Committee on the Rights of Persons with Disabilities (CRPD Committee). At variance, UNCAC establishes a Conference of State Parties to improve co-operation and promote implementation of the treaty.

the right to submit criticisms and proposals for improving the functioning of government bodies, agencies and organizations. The UN Special Procedures – including Special Rapporteurs, independent experts and working groups – may also reference electoral reform as part of their general reports and activities.

In addition, the Universal Periodic Review (UPR) mechanism provides an opportunity for all UN member states to declare what actions they have taken to improve their human rights situation and fulfil their human rights obligations, including those related to elections. At the conclusion of the UPR, a final report is issued that includes recommendations to address violations. As part of subsequent UPRs, states are expected to explain how they have implemented the recommendations. Each state is reviewed every 4.5 years, and ODIHR regularly and systematically shares its election reports with the UPR mechanism. All OSCE participating States have taken part in the UPR.

Collectively, this global framework establishes obligations related to elections and mechanisms to promote compliance. Election observation reports contribute to this process by identifying shortcomings and by developing recommendations on how to improve fulfilment. In turn, the follow-up of electoral recommendations can also help promote treaty compliance.

3.3 Other Regional Instruments

The Council of Europe plays a key role in strengthening human rights compliance across its 47 member states, all of which are OSCE participating States. Article 3 of the First Protocol to the ECHR commits Council of Europe states “to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature”. The ECtHR is tasked with ensuring the observance of the ECHR. Once domestic remedies are exhausted, any person, non-governmental organization or group of individuals claiming to be the victim of a violation of rights set forth in the ECHR, including on electoral issues, may file an application with the court against a state party. In recent years the ECtHR has addressed election-related complaints on a wide range of issues, including on the right to vote of prisoners, persons with mental disabilities and non-resident citizens; candidate eligibility rules and decisions; voting irregularities; electoral system design; the composition and impartiality of EMBs; due process in complaints and appeals procedures; and media coverage of elections. The ECtHR has increasingly referenced ODIHR election reports within its decisions and judgments. Final judgments of the court are binding on the states concerned and are indicative for other Council of Europe member states. The

Council's Committee of Ministers supervises the execution of the court judgments through a political process of peer pressure.

The European Commission for Democracy through Law (the Venice Commission) is an advisory body of the Council of Europe. It has 60 member states, of which 51 are OSCE participating States. The Venice Commission issues reports and recommendations on a range of legal issues, including elections and referenda, and monitors their follow-up at its quarterly plenary sessions. In 2002, the Venice Commission published a Code of Good Practice in Electoral Matters as a reference document for the Council. The Code recommends that, in order to guarantee the stability of the law, the fundamental elements of electoral law should, in principle, not be open to amendment in the year before an election. Another solution may be to stipulate that if fundamental elements of the electoral law are amended, the old system will apply for the next election – at least if it takes place within the coming year – and that the new one will take effect after that. However, the follow-up to recommendations is considered as an exception to the principle of the stability of electoral law, which “should not be invoked to maintain a situation contrary to the standards of the European electoral heritage, or to prevent the implementation of recommendations by international organisations”.⁶

The Council of Europe's Group of States against Corruption (GRECO) produces reports that include recommendations related to political party and campaign financing. It has 49 members, all of which are OSCE participating States. While recommendations from the Venice Commission and GRECO are not legally binding, they can provide authoritative guidance to participating States that are members of those bodies.

The EU is committed to promoting and protecting human rights and democracy, both within its borders and when engaging with non-EU countries. The EU has 28 Member States, all of which are OSCE participating States. The EU has emphasized the importance of follow-up on electoral recommendations in its policy documents. In 2012, the EU adopted the Strategic Framework and Action Plan on Human Rights and Democracy, which established that its institutions have a responsibility to “systematize follow-up use of EU Election Observation Missions and their reports in support of the whole electoral cycle, and ensure effective implementation of their recommendations, as well as the reports of other election observation bodies (e.g. OSCE/ODIHR)”. In 2015, a new Action Plan on Human Rights and Democracy was adopted that underscored the need to “consolidate best practices for leveraging EU EOMs and OSCE/ODIHR Election Observation Missions recommendations in EU and

6 Section II.2 of the Venice Commission's interpretative declaration on the stability of the electoral law. See Annex A.

EU Member State political dialogues and democracy support activities”, in order to maximize the impact of election observation.

The CIS has also recognized the value of electoral follow-up. The CIS has 11 member states, all of which are OSCE participating States. The 2008 Inter-Parliamentary Assembly of CIS States Declaration on the Principles of International Observation of Elections and Referenda highlights a number of stages relevant to follow-up. These include the provision of a final report that includes technical recommendations, which should be presented to CIS institutions no later than two months after election day.

The OAS promotes democratic elections throughout the Americas. The OAS has 35 member states, of which two are OSCE participating States. The Inter-American Democratic Charter (IADC) adopted by the OAS General Assembly in 2001 mandates the organization to carry out election observation activities and to provide electoral assistance at the request of member states. The IADC requires election observation missions to present their report to the OAS Permanent Council. Each report’s recommendations form the basis for post-electoral support by the OAS, which may include legal and technical assistance.

3.4 Other Standards for Follow-up

Professional standards for international election observers are laid out in the Declaration of Principles for International Election Observation (DoP), commemorated at the UN in 2005 and endorsed by more than 50 organizations conducting election observation around the world. ODIHR was one of the initial 23 organizations to endorse the DoP. Concerning follow-up, the DoP states that observation missions are “expected to... [present] their findings, conclusions and any appropriate recommendations they determine could help improve election related processes”. Reference is also made to potential follow-up activities, with recognition that observation missions “may also conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission’s findings, conclusions and recommendations”. The DoP also underscores the need for co-operation in follow-up activities, requiring endorsing organizations in “all circumstances” to “work together to maximize the contribution of their international election observation missions”.

In 2012, equivalent standards were established for citizen election observers through the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations. This includes a commitment

to provide “appropriate recommendations for obtaining genuine democratic elections”, and to advocate “for improvements in legal frameworks for elections, their implementation through electoral related administration and [the] removal of impediments to full citizen participation in electoral and political processes”. As such, citizen observer groups can play an important role in the formulation of electoral recommendations and in follow-up activities. ODIHR is an international supporter of the Declaration and more than 250 citizen observer groups from around the world have endorsed the document.

The 2005 Paris Declaration on Aid Effectiveness and the 2008 Accra Agenda for Action are also informative in the design of follow-up activities. These agreements, signed by a large number of OSCE participating States, promote a more effective approach to international assistance that focuses on principles of national ownership, inclusive partnerships between the state and international partners, projects that are harmonized and complementary, assistance that develops the capacity of national counterparts, and results-oriented processes that promote accountability.

3.5 Principles for Follow-up

ODIHR pays particular attention to certain key principles, described below, when supporting the follow-up of electoral recommendations. Several of these principles have been touched upon in this and earlier chapters, while others are elaborated upon later in the handbook.

- 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,

and 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.



4. Post-Electoral Engagement: An Electoral Cycle Approach

The electoral cycle approach is a means of viewing elections as continuous processes rather than isolated events. It recognizes that elections are composed of a number of interconnected components that interact with and influence one another, beginning several years before an election and finishing long after election day. The electoral cycle has no fixed starting or ending points, but can be broadly divided into three main periods: pre-electoral, electoral and post-electoral.⁷

ODIHR is available for dialogue on the implementation of recommendations throughout the electoral cycle. Dedicated follow-up activities are confined to the post-electoral period. There are three key elements of post-electoral engagement: (1) publication of the ODIHR final report; (2) presentation of the final report; and (3) follow-up activities.

7 See, International IDEA election cycle diagram at: <http://www.idea.int/elections/eea/>.



Figure 1: The Election Observation Cycle

At a later stage, ODIHR pre-election Needs Assessment Missions (NAMs) provide an opportunity to assess the extent to which prior recommendations have been implemented.

4.1 Publication of the Final Report

The cornerstone of effective follow-up is found in ODIHR’s election observation reports. The final report of an ODIHR election observation activity is issued around two months after the completion of the electoral process. The report is transmitted to the participating State, published on the ODIHR website and circulated to national interlocutors, media outlets, other participating States, international organizations and members of the academic community. The report is translated into the official languages of the participating State.

A key element of the report is the recommendations offered to improve the framework and conduct of future elections. Recommendations are included for consideration by the state and electoral authorities, political parties, media, civil society and other stakeholders. The recommendations draw upon observations of instances where commitments and obligations were not yet

implemented or where practices could be strengthened. Some recommendations are likely to require changes to primary legislation, while others may focus on electoral practice. Recommendations are intended to be constructive and concrete, providing clear suggestions on how changes can be implemented in line with OSCE commitments and other international obligations and standards. Recommendations are provided to advise and assist, rather than to direct, participating States. They are not intended to be excessively prescriptive, and should leave some leeway for adaptation to specific circumstances. The outline of likely recommendations should be discussed with local interlocutors during the course of the observation mission to ensure that they are as clear and implementable as possible.

Recommendations are included in the body of the final report and are directly linked to the shortcomings identified, with reference made to specific commitments, obligations and standards. They are also presented collectively at the end of the report, with a limited number (usually four to ten) designated as priorities. Reference may also be made to earlier ODIHR recommendations that remain unaddressed, including from prior observation reports, as well as legal reviews. These recommendations form the basis for any future follow-up activities, with the priority ones taking precedence.

Recommendations provided by ODIHR are neither definitive nor exhaustive, and participating States may wish to go beyond ODIHR's recommendations in their efforts to improve electoral processes. To this end, recommendations from citizen observers, EMBs and other international organizations may also be considered.

4.2 Presentation of the Final Report

The presentation of the final report provides an effective mechanism for moving from observation to assisting participating States in the follow-up of recommendations. When the final report is transmitted to the participating State, ODIHR affirms its willingness to undertake a visit to present the report in-country and discuss the recommendations it contains. This invitation is offered to all participating States; however, a visit will occur only upon the request of the state authorities. Visits to present the final report will usually be led by the head of the respective observation activity, a senior ODIHR staff member or by the ODIHR Director. Ideally, the visit will take place from three to nine months following the elections.

During the visit, the report is officially presented to a range of interlocutors and discussions are held on its key findings, conclusions and recommendations.

The visit may include bilateral meetings, briefings to parliament, roundtable discussions, working-group meetings, and, at times, press briefings. Such visits provide an opportunity to maintain constructive dialogue with the authorities, clarify any areas that were not fully understood, and discuss ways in which ODIHR can be of assistance to the states in the follow-up of recommendations. Following the visit, ODIHR makes key points from the meetings and discussions available to the public.

4.3 Follow-up Activities

Follow-up includes a range of activities undertaken by participating States, sometimes with support from ODIHR and other international actors. These activities focus on addressing electoral recommendations, which may also involve issues of broader democratic development and protection of human rights, such as freedoms of association, assembly and movement, as well as support to political parties, the judiciary, media and other electoral stakeholders. Follow-up activities that may be undertaken by the participating State and ODIHR are discussed in detail in Chapter 6.

Follow-up should ideally start as soon as possible after an electoral process has concluded. Within the electoral cycle, the time period immediately following the completion of an election is usually best suited to addressing most electoral components, including fundamental changes to the legal framework, voter registration, constituency boundaries, election administration, campaign finance and electoral dispute-resolution mechanisms. The completion of follow-up activities needs to be timed carefully. Changes to core elements of the process too close to an election may be controversial and leave insufficient time for proper discussion and implementation. This applies particularly to legal reforms, with Venice Commission good practice indicating that the fundamental elements of electoral law should not be amended in the year before an election.

Several distinct and complementary follow-up activities may be undertaken during the post-electoral period. For example, a roundtable may be held on OSCE commitments for a given electoral topic, which, in turn, may be followed by a formal review of draft amendments to the law. ODIHR may also use the opportunity to make a mid-term review visit between elections to assess the extent of follow-up and, possibly, to encourage further reform. In all cases, ODIHR follow-up activities will conclude before the deployment of a Needs Assessment Mission.

4.4 Needs Assessment Missions

Although not strictly follow-up activities, pre-election NAMs provide an opportunity to assess the extent to which prior recommendations have been addressed at a later stage in the electoral cycle. Typically, ODIHR deploys a NAM to a participating State from four to six months before election day. The NAM assesses the pre-election environment and recommends whether an election-related activity is advisable, and if so, what type best meets the identified needs. When recommending a possible election-related activity, the NAM takes into account a number of criteria, including the extent to which recommendations from previous ODIHR election observation activities have been implemented. All NAM reports are made public on the ODIHR website.

The NAM's assessment of the extent to which recommendations have been implemented should highlight those that have been addressed and those that remain outstanding. It should assess the timeliness, comprehensiveness and inclusivity of the follow-up process. This assessment contributes to the NAM's recommendation on whether to deploy an election observation activity. The lack of implementation of previous ODIHR recommendations by a participating State might render the establishment of an ODIHR activity meaningless, as its recommendations are likely to be a repetition of those already made.

If the NAM recommends that no election observation activity be deployed, it may still draw attention to recommendations or issues that require addressing. This can then serve as the basis of potential ODIHR follow-up activities to support the participating State.



5. Good Practice for Follow-up to Electoral Recommendations

ODIHR has a long history of working with states on follow-up to electoral recommendations. As a result, a number of good practices have emerged that increase the chances of effective implementation of recommendations, and of electoral reform more broadly. These include:

1. **Political will and sustainability.** The government has lead responsibility for implementing recommendations, given its executive powers and parliamentary strength. Genuine political will from the governing party (or parties) is, therefore, essential for effective follow-up. This can be demonstrated, for example, by those in power entering into national dialogue about reform and establishing concrete action plans. While ODIHR may assist states through follow-up activities, in order to ensure sustainability and ownership it is imperative that the process be internally driven. ODIHR recognizes that the ultimate responsibility for organizing elections lies with the participating States, and its follow-up activities, therefore, support sustainable electoral management capacities.

2. **Early reform.** The stability of the law is vital to an electoral process, and implementing recommendations well in advance of an election allows time for consultation, drafting and adoption of legislation; testing and development of practices; voter education programmes; and training of electoral staff, potential candidates and other stakeholders. When an election is not imminent, there is also less risk of discussions becoming politically heated, meaning that positions can be more thoroughly considered. Developing political will and political compromise requires time, and working under tight deadlines is not always conducive to undertaking complex political negotiations. The follow-up of recommendations at the last moment risks being perceived as ill-considered and dictated by immediate political interests. Electoral improvements take time to plan and implement, often requiring the involvement of multiple actors. Hence the value of reviewing recommendations and initiating reform at the earliest opportunity after an election.
3. **Consultation and inclusion.** Consensus on how to follow up on recommendations is important in order to encourage participation in the process of reform and acceptance of the outcomes. Reform of the legal framework is essentially about changing the rules of the game, and should not be the exclusive competency of the winner of the last election. The reform process is stronger when there is meaningful involvement, consultation and inclusion, not only of the main opposition parties, but also of smaller political groups, EMBs, national experts, civil society and other stakeholders, including those who are at risk of marginalization from the process (see Chapter 9). Examples of good practice include the establishment of multi-party parliamentary committees; working groups initiated by EMBs or civil society; and regular public consultations and awareness programmes.
4. **Agreed framework and responsibilities.** Implementing electoral recommendations can be politically divisive. Having an agreed framework of objectives can help maintain focus and make it easier to identify and agree on the way forward. The allocation of specific responsibilities among various agencies increases the likelihood of recommendations being implemented. Agreed timeframes for action also increase momentum for development and accountability of actions. Establishing periodic review mechanisms promotes momentum and allows for the recalibration of activities, if necessary. It provides an opportunity to check that proposed reforms are in line with OSCE commitments, international obligations and other standards for democratic elections. Public reporting on electoral reform increases accountability and transparency, and provides for higher levels of political and public confidence in the process.

5. **Co-ordination and cohesion.** Co-ordination between national and international agencies providing support to the implementation of recommendations increases the likelihood of support being effective, as it reduces duplication and creates opportunities for a cohesive follow-up process. This may include joint initiatives, regular co-ordination meetings and shared review mechanisms. In particular, mid-term reviews may be undertaken to collaboratively assess the status of follow-up and encourage and advise upon potential further steps.



6. Examples of Follow-up Activities

Follow-up to electoral recommendations can be undertaken by state authorities and non-state actors in a participating State. Dedicated follow-up activities by ODIHR and other international organizations may support these efforts.

This chapter outlines some examples of follow-up activities that can be undertaken by both national actors and ODIHR. The examples described are indicative and activities should be tailored to the specific circumstances of a given state and the objectives of a follow-up process. While some of the activities may be undertaken independently, a combination of measures will often prove most effective in delivering a successful follow-up process. In all cases, close co-operation between ODIHR and national actors is essential to promoting cohesive and sustainable reform.

6.1 Follow-up Activities by the Participating State

Activity	Possible lead agency	Description
Legislative Review	Parliament Parliamentary committees	<p>Legislative bodies, including parliamentary committees, can review the conduct of elections and prepare recommendations to improve the conduct of future elections, as well as review electoral recommendations prepared by ODIHR, other international bodies and CSOs. In several countries, parliamentary committees have initiated public consultation processes to solicit views on possible reform from a broad range of interested groups. This may be done through meetings, workshops and media and online programmes.</p> <p>Following this, legislative bodies and parliamentary committees can prepare and adopt legislation to address prior ODIHR recommendations, with a view to improving the framework and conduct of future elections.</p> <p>Parliaments can also promote reform by scrutinising the work of EMBs.</p>
Electoral Review and Strategic Planning	EMBs Working Groups Taskforces	<p>EMBs can review the conduct of elections and prepare a strategic plan for reform. They can make improvements that are within their remit and prepare recommendations for legal changes that the parliament may consider. In some countries, EMBs have the right of legislative initiative, and may propose draft laws themselves.</p> <p>Within their reviews and strategic plans, EMBs can assess and comment on the extent to which electoral recommendations prepared by ODIHR, other international bodies and CSOs have been addressed. EMB-led processes are often inclusive, involving consultations with other state agencies, political parties, civil society, ODIHR and other international organizations.</p> <p>Similar initiatives may be undertaken by specially-mandated taskforces or working groups that may include a focus on a specific component. At times, such taskforces or working groups may include representatives and experts from international organizations.</p>

Activity	Possible lead agency	Description
CSO Reviews, Advocacy, and Monitoring	Citizen observer groups Political foundations, think tanks Other CSOs	<p>CSOs can organize roundtable discussions and other activities to prepare their own recommendations and monitor the degree to which electoral recommendations are being or have been implemented. This can lead into advocacy actions to encourage authorities and other stakeholders to implement recommendations. In participating States where there is insufficient political will from the authorities for reform, CSO advocacy can be a useful activity for encouraging follow-up, especially where CSOs develop common advocacy platforms around key reform priorities, such as voter registration or women’s participation.</p> <p>CSOs may provide reports and press releases throughout the post-electoral period, assessing the implementation of agreed reforms and highlighting issues that require further attention.</p>
Voluntary Reporting at the OSCE Permanent Council and Human Dimension Committee	Executive Parliament	<p>In line with OSCE commitments, participating States are increasingly making voluntary reports to the Permanent Council and Human Dimension Committee on their follow-up to ODIHR electoral recommendations.</p> <p>ODIHR, when possible, may attend these meetings to provide additional information and technical expertise to facilitate an in-depth discussion.</p>
Reporting to UN Treaty-monitoring Bodies, the UPR and Other Mechanisms	Executive	<p>Participating States may also use the opportunity to comment on their follow-up of electoral recommendations as part of their periodic reports to UN treaty-monitoring bodies, the UPR and other regional instruments to which they may be party. This can be an opportunity to highlight activities undertaken to address ODIHR recommendations, particularly when they coincide with those of other international organizations.</p>

6.2 Follow-up Activities by ODIHR

Activity	Description
<p>Legal Reviews</p>	<p>Upon request, ODIHR regularly assists participating States by reviewing draft and final legislation in terms of compliance with OSCE commitments and other international obligations and standards. This includes election-related legislation, as well as other laws that touch upon human rights issues that are integral to establishing the conditions necessary for the conduct of genuine elections, such as freedoms of assembly, association and expression, as well as legislation on political parties and their financing.</p> <p>Legal reviews have the advantage of consolidating expert opinion on the extent to which legislation is in line with OSCE commitments and other international obligations and standards. Reviews of draft legislation are particularly advantageous, as they provide an opportunity for additional, impartial external advice to be considered before proposed legislation is submitted to parliament.</p> <p>Legal reviews in the electoral field are usually carried out jointly with the Venice Commission in the form of “Joint Opinions”. ODIHR has observer status at Venice Commission plenary sessions and at meetings of the subordinate Council for Democratic Elections. Requests for legal reviews usually come directly from participating States or, occasionally, through OSCE or Council of Europe institutions. ODIHR does not consider requests from individuals or non-governmental organizations. All Joint Opinions are published on the ODIHR website.</p> <p>Following a legal review, ODIHR is available to visit the state to present the report and to discuss the recommended changes with stakeholders.</p>
<p>Legal Expertise on Drafting Legislation</p>	<p>ODIHR can provide legal expertise to participating States during the process of drafting electoral legislation, including to parliamentary committees and working groups tasked to review and draft amendments. ODIHR can provide advice on the extent to which proposed amendments address prior ODIHR recommendations and comply with OSCE commitments and other international obligations and standards.</p> <p>ODIHR has provided informal written comments to parliamentary committees and working groups, participated in their sessions and made special visits to discuss proposals in more detail. At times, this has been done in co-operation with the Venice Commission.</p> <p>More broadly, ODIHR can review the overall lawmaking procedures in a participating State to ensure that they provide for an effective, transparent and inclusive process.</p>

Activity	Description
<p>In-depth Assessments of Specific Electoral Components</p>	<p>ODIHR can deploy a team of experts to assess specific electoral components in detail. The format for such assessments can vary from short visits of some three to five days, comprising only ODIHR staff, to extended visits of some 10 to 14 days that include specialized external consultants.</p> <p>ODIHR has undertaken visits to participating States to provide in-depth assessments of state proposals to introduce new voting technologies, as well as on the development of election management and voter registration systems. Such assessments may be conveyed to the participating State directly, be presented at roundtables or other events, or be published on the ODIHR website.</p> <p>ODIHR can also be engaged in assessing broader democracy and human rights issues that emerge from election observation findings and recommendations, including the rule of law; public administration; population registration; political finance; freedoms of expression, association and assembly; the role of political parties; and the political participation of women, Roma and Sinti, other minorities and persons with disabilities.</p>
<p>Technical Advice on Implementation of Recommendations and other Electoral Good Practices</p>	<p>ODIHR can provide technical advice on the implementation of electoral recommendations and on good practices on identified electoral components. This can be done through participation in roundtables, seminars, or meetings.</p> <p>Examples have included events on good practices for legislative reform, models for drawing electoral boundaries, procedures for candidate registration, different systems of election administration, the role of political parties in implementing electoral recommendations, measures to improve voter registration systems, good practices related to new voting technologies, enhancing oversight mechanisms for campaign finance, establishing effective electoral dispute resolution systems and promoting the participation of women and Roma.</p> <p>Such events are often organized by an OSCE field operation, other international organizations or the authorities of a participating State. ODIHR may also organize thematic events for the participation of relevant state and civil society representatives from a range of OSCE participating States. ODIHR is committed to the inclusion of opposition and non-parliamentary parties, civil society and politically under-represented groups in these events.</p> <p>ODIHR maintains a database of qualified professionals who can provide technical advice on specific electoral issues.</p>

Activity	Description
Support to Citizen Observer Groups	<p>ODIHR has provided support to citizen observer groups for many years. This has included training and support to develop the capacity of such groups in the areas of observation methodology, report-writing skills, reviewing the implementation of recommendations, facilitating dialogue with political parties on reform and advocating for electoral reform.</p> <p>ODIHR can help raise the profile of citizen observer groups by advancing inclusive electoral reform and, where appropriate, highlighting their recommendations.</p> <p>ODIHR has also published a handbook on support for citizen observer groups and provides free-of-charge online training for election observers. ODIHR can also host seminars on issues that may be of particular interest to citizen observers.</p>
Mid-term Review Visits	<p>Depending on the political willingness of a participating State, ODIHR can return to a country for a mid-term review to reiterate recommendations and assess the degree to which recommendations have been implemented. Such a visit can help remind the participating State of standing commitments to follow up on recommendations, and encourage steps to promote their implementation.</p>
Facilitation and Co-ordination	<p>ODIHR can help foster a conducive environment for electoral reform by facilitating and co-ordinating follow-up efforts between national actors, as well as with other international organizations. The findings and recommendations of an election observation activity can provide a roadmap for future reform, while ODIHR's long tradition of working on electoral reform can provide comparative practices from other states that can help develop a framework for follow-up.</p> <p>ODIHR can, additionally, help to facilitate follow-up efforts by fostering political dialogue and co-ordinating reform priorities among national counterparts and international organizations.</p>

Example 1: Legislative Review

In recent years a number of OSCE participating States have undertaken legislative reviews as a means to improve their electoral processes and bring them closer in line with OSCE commitments. In one such case, the parliament formed a special committee specifically tasked to address ODIHR's recommendations in a revised electoral code. In addition to all parliamentary parties, the committee also included representatives from the election administration and civil society. The committee established a work plan in its first meeting that outlined the key topics to be addressed at subsequent meetings and set clear deadlines for their finalization.

The committee requested expertise from ODIHR and, before each meeting, ODIHR prepared and forwarded recommendations based on previous reports and comparative experiences for the working group's consideration. ODIHR experts then participated in the committee's meetings, providing

comments on the compliance of draft provisions with OSCE commitments and other international standards. The committee's meetings were held in public and a wide range of views were put forward before the participants ultimately agreed on a set of reforms that addressed the greater part of ODIHR's recommendations. Following an additional consultation process with the wider public, the proposed legal amendments were adopted by parliament some 18 months ahead of the next elections. Several members of the committee commented favourably that the broad consultation, while often time-consuming, was an effective way to encourage participation in the reform process and broad acceptance of the outcomes.

Example 2: Electoral Review and Strategic Planning

It is widely accepted that all electoral processes can benefit from continued improvements to ensure that they remain effective and resilient to new and emerging challenges. In many countries this has included efforts to modernise voter registration systems to safeguard their accuracy and efficacy, particularly at a time of increasingly mobile populations. In a recent case, a participating State's central election commission performed a post-electoral review that identified the development of a centralized and automatic voter register as a key priority to ensure voter list accuracy. In consultation with other relevant state agencies, the commission developed an initial implementation strategy and requested expert advice from ODIHR on their proposal, so as to ensure that it complied with OSCE commitments and past ODIHR recommendations.

On these grounds, ODIHR deployed an expert team to the country for a period of several days to discuss the proposals with both the authorities and civil society. The visit resulted in an in-depth assessment report that included recommendations for further improvements. The report was forwarded to the authorities, published on the ODIHR website, and presented during a public roundtable co-organized with the central election commission. The roundtable proved effective in highlighting concerns of various stakeholders, including the need to ensure sufficient outreach to marginalized groups, such as rural women and Roma communities. As a result of the roundtable, the international community provided support to a coalition of civil society groups, which – together with the central election commission – undertook an extensive voter registration drive, which not only ensured a high level of inclusion but also helped to build confidence in the reform process.

Example 3: Civil Society Advocacy

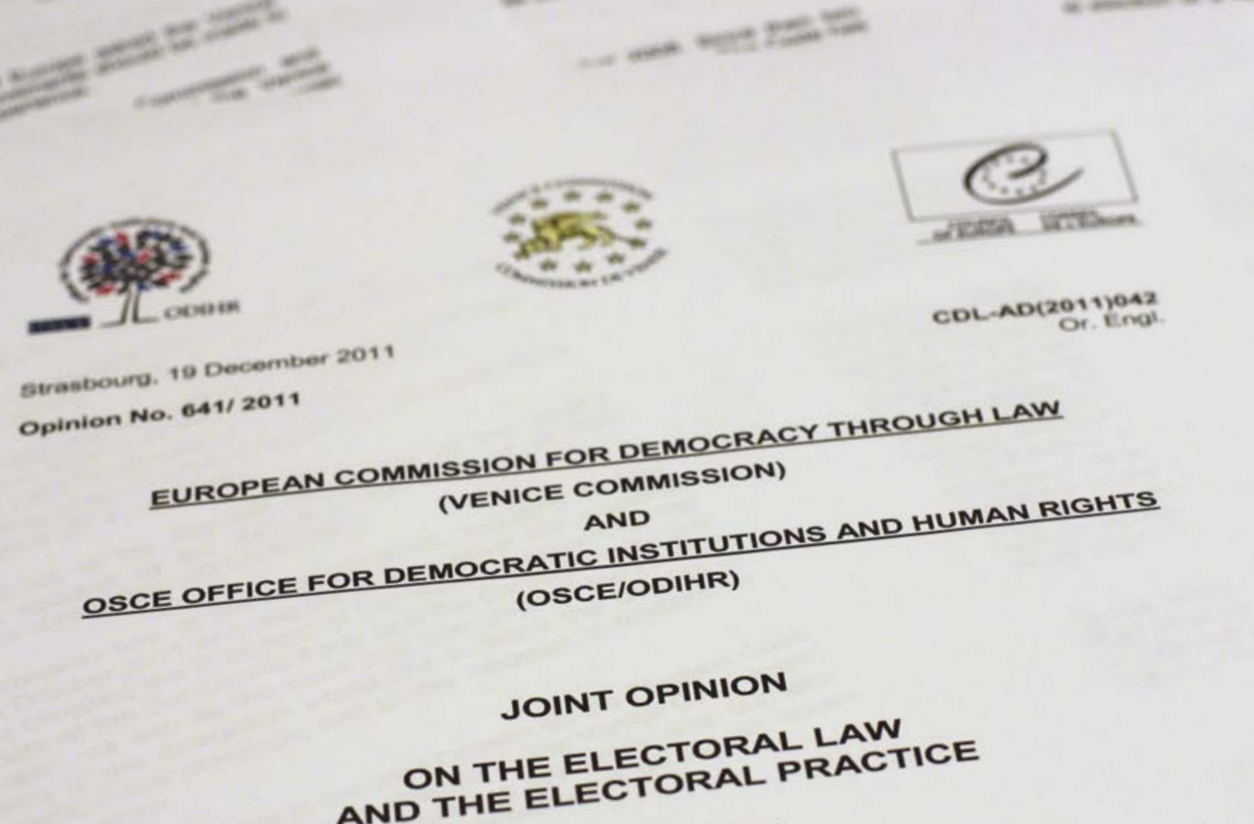
Civil society organizations can play a constructive role in assessing the extent to which there has been follow-up to electoral recommendations. They can help to identify successes and shortcomings, and therefore contribute to momentum for electoral reform. During a recent electoral reform process, a prominent coalition of citizen observer groups initiated a project to monitor the extent to which recommendations were addressed. At the beginning of their activities they published clear and objective criteria for assessing implementation of not only their own recommendations, but also those of other national and international organizations.

During the reform process, the civil society coalition issued bi-monthly updates that noted positive developments, highlighted areas that required further attention and proposed different options for consideration by the parliament. The coalition quickly obtained the confidence of a broad range of electoral stakeholders and its bi-monthly updates were widely cited by political parties and the international community. In addition to its regular reports, the coalition also held roundtables and gave regular interviews to the media. The efforts of civil society were widely appreciated as a means to encourage public awareness of the process and to promote accountability and ownership across a wide range of political actors. It also fostered a high degree of trust between the authorities and civil society about the rationale and impact of the reforms.

Example 4: Reporting to the OSCE Human Dimension Committee

Participating States are increasingly making voluntary reports to the OSCE Human Dimension Committee on their follow-up to electoral recommendations. In a recent example, one participating State noted how they had initiated a comprehensive reform process based on the reports and recommendations of its central election commission and ODIHR's election observation mission, as well as several citizen observer reports and related recommendations from UN treaty monitoring bodies. The state provided a clear overview of the recommendations, noting where changes had been addressed in law and practice, as well as giving contextual information as to why some recommendations had not yet been implemented. Particular attention was also given to the process of reform, which noted the steps taken to engage with non-parliamentary parties, civil society, national experts and other stakeholders, including those at risk of marginalization from the process, such as national minorities and persons with disabilities. The value of ODIHR's assessment and recommendations was underlined as a key starting point for the reform.

Following the presentation of their report, a number of other states raised questions regarding the reform process, noting their support for positive developments, while also drawing attention to outstanding recommendations and giving suggestions as to how these may be implemented based on their own experiences. This provided an effective peer review mechanism and a valuable means to share good practice.



7. Partnerships and Co-ordination of Follow-up

Implementing electoral recommendations can be complex and politically sensitive, and involve a variety of actors. Partnerships with national counterparts are a fundamental component of all ODIHR follow-up activities. There are also other partnerships and mechanisms that can support or complement ODIHR follow-up, including with other institutions within the OSCE, with additional international organizations and with the donor community.

Co-ordination among these actors, therefore, is of great importance in order to maximize effectiveness, reduce risks of duplication or gaps in support and avoid contradictory advice being given. Co-ordination works best in the context of a comprehensive follow-up strategy, agreed to by the authorities of a participating State. ODIHR is well placed to play a central role in providing co-ordination, guidance and advice on how follow-up activities can best address electoral recommendations.

7.1 Co-ordination with National Counterparts

Co-ordination with national counterparts is essential for comprehensive, effective and sustainable follow-up. Ideally, the authorities will task a lead agency to co-ordinate institutions, promote the implementation of recommendations and facilitate information exchange and discussion among election stakeholders. The lead agency may be a parliamentary commission, a special task force, a working group comprising a range of electoral stakeholders or an EMB. The lead agency would likely be the primary contact point for ODIHR in any follow-up activities.

Irrespective of the lead agency, several national counterparts will likely play a key role in follow-up. These include the EMB, other state authorities, political parties and citizen observer groups.

Electoral Management Bodies (EMBs). As the primary implementing bodies of electoral legislation, EMBs have a unique perspective on the strengths and weaknesses of existing procedures. EMBs frequently conduct post-election evaluations and develop strategic plans for future elections. In some countries they may also have powers to submit draft legislation directly to parliament. EMBs' substantive knowledge is a key resource in follow-up, and their involvement in reform processes helps to ensure that proposed changes are feasible in practice, as well as in building ownership of the overall process.

Other State Authorities. A similar role may be played by other state or public authorities, including the public broadcaster, media regulatory bodies, the judiciary, anti-corruption bodies, law enforcement and agencies in control of population databases and identity documents. Their experiences related to specific electoral components can add significant value to follow-up processes. In addition, they may also be implementing broader reforms that have an impact on electoral reform.

Political Parties. All political parties, both parliamentary and non-parliamentary, can play an active role in encouraging an informed and participative electorate. In addition, parties can advocate, debate and prioritize legislative agendas. It is imperative that follow-up processes engage with political parties, particularly if they are involved in legislative initiatives to follow up on recommendations or if they participate in parliamentary committees tasked with electoral reform.

Citizen Election Observers. Citizen observer groups and other CSOs, such as political foundations and think tanks, can play important roles in promoting and monitoring follow-up. This can include undertaking comparative research,

conducting public consultations, leading advocacy programmes and submitting proposals for electoral reform. They may also undertake regular assessments on the inclusiveness and transparency of the follow-up process, as well as the status of implementation of recommendations, which can then be used to identify areas where improvement is still needed. Citizen observers and civil society can also play an important role in raising public awareness about changes and monitoring their implementation. For these reasons, the inclusion of civil society should be a key component of all follow-up processes.

During any follow-up process, ODIHR develops and maintains good contacts with all national counterparts, often through country visits. This helps promote inclusion and awareness of electoral developments at the national level. It also helps ODIHR to track follow-up initiatives and provide well-rounded advice to the bodies involved in follow-up.

7.2 Co-ordination within the OSCE

ODIHR follow-up activities can be complemented by a variety of OSCE instruments and institutions, which can promote and support the implementation of recommendations.

Chairperson-in-Office (CiO). The CiO, a position held for one calendar year by the OSCE participating State designated by a decision of the Ministerial Council and exercised by the Foreign Minister of that state, can raise issues relating to the implementation of electoral recommendations during meetings with delegations of participating States in Vienna and during visits to participating States. The CiO may hold discussions with electoral stakeholders, including EMBs, political parties, CSOs and media representatives, and issue public statements encouraging the implementation of ODIHR recommendations.

Permanent Council (PC). The PC, at which all OSCE participating States are represented, convenes weekly in Vienna to discuss developments in the OSCE area and make related decisions. These meetings can provide opportunities to discuss the conduct of elections, particularly following the release of preliminary statements and final reports, as well as the efforts of participating States in addressing recommendations. Previous OSCE Ministerial Council decisions (see Chapter 3) have encouraged participating States and ODIHR to report on follow-up of electoral recommendations at the PC.

Human Dimension Committee (HDC). The HDC, which consists of representatives of participating States, discusses human dimension issues, including the implementation of commitments, allowing for an exchange between OSCE

institutions, field operations and participating States. This has often included voluntary reporting by participating States on the implementation of election-related commitments and follow-up to ODIHR's electoral recommendations. This provides participating States with a "soft" peer-review mechanism.

Human Dimension Implementation Meeting (HDIM). HDIM, Europe's largest annual human rights conference, organized by ODIHR in Warsaw, brings together government officials, international experts and civil society representatives to take stock of how states are implementing their commitments in the human dimension. This can include implementation of electoral recommendations and efforts to bring the legal framework and conduct of elections in line with OSCE commitments and other international obligations.

Human Dimension Seminars (HDS). HDS provide a platform for an exchange of views on human dimension issues among participating States, executive structures, international organizations, CSOs and other stakeholders. On several occasions, an HDS has served as a forum for discussing issues related to the implementation of ODIHR's electoral recommendations.

High Commissioner on National Minorities (HCNM). The HCNM works in situations of tension involving national minorities that could develop into conflicts, seeking to identify and address both short-term triggers of ethnic tension or conflict and long-term structural concerns. If a participating State is not meeting its commitments or obligations in the area of national minorities, the HCNM will assist by providing analysis and recommendations. The HCNM also provides structural support through small collaborative projects that aim to achieve sustainability through increasing local ownership. In both areas, this could involve follow-up to ODIHR's electoral recommendations.

Additionally, the HCNM often seconds national minorities experts to ODIHR election observation missions. The expert contributes to the mission reporting, which can help facilitate specific follow-up activities directed at national minorities in the post-electoral period.

Representative on Freedom of the Media (RFoM). The RFoM observes media developments and helps participating States abide by their commitments in the area of freedom of expression and free media. This includes efforts to ensure the safety of journalists; assist with the development of media pluralism; promote decriminalization of defamation; combat hate speech while preserving freedom of expression; provide expert opinions on media regulation and legislation; and promote Internet freedom. The RFoM also holds regional media conferences, bringing together journalists, representatives of civil society, academics and government officials to discuss media freedom

issues. All of these areas can include a focus on the follow-up of ODIHR electoral recommendations.

Field Operations (FOs). FOs are established at the invitation of the host country, and their mandates are agreed by a consensus of the participating States. Depending on their mandates, OSCE FOs enable the organization to tackle crises as they arise, and can play a critical post-conflict role, helping to restore trust among affected communities. More broadly, they can foster the capacity of their host countries through concrete projects that respond to the needs of participating States. These may include initiatives to support EMBs, law-enforcement agencies, national minority rights, women's participation, civic education programmes, legislative reform, rule of law and media freedom.

Where present, FOs can provide the opportunity to combine ODIHR's electoral expertise with the FO's local mandate, presence and experience to provide long-term assistance in supporting the implementation of recommendations. A number of FOs have developed projects to support electoral reform in co-operation with ODIHR, and ODIHR frequently provides direct technical expertise to such projects. The FOs and ODIHR maintain close contact throughout all stages of the electoral cycle.

OSCE Parliamentary Assembly (OSCE PA). The OSCE PA brings together more than 300 lawmakers from the parliaments of OSCE participating States to facilitate dialogue and co-operation and to promote accountability. OSCE parliamentarians also often participate in election observation activities, conduct visits and drive organizational reform. The OSCE PA can help raise awareness of ODIHR electoral recommendations and promote their follow-up, particularly among their parliamentary counterparts in a specific participating State.

7.3 Co-ordination among International Organizations

ODIHR co-ordinates its follow-up activities with fellow international election observers within the framework of the Declaration of Principles for International Election Observation (DoP), as well as with a broader range of international organizations.

International Election Observers. In recent years, co-ordination has significantly increased among organizations that have endorsed the DoP. Election observation reports are now systematically shared between DoP members and there is increasing liaison – at the headquarters and country level – on key observation issues, electoral recommendations and follow-up activities.

Throughout the DoP community, it is widely accepted that the follow-up of electoral recommendations is a priority issue.

A number of steps have been taken by the DoP community to enhance co-ordination in supporting the follow-up of electoral recommendations. These include discussions on how to strategize, plan and track follow-up in specific countries; meetings between DoP endorsers during election observation activities and follow-up visits; and continued attention to the issue at annual DoP implementation meetings. The DoP community has also worked together to encourage states to report on the follow-up of electoral recommendations through universal and regional mechanisms.

International Organizations. Co-ordination of political messaging with other intergovernmental organizations on the conduct of elections is a long-established ODIHR practice, with post-election statements often being released jointly with parliamentary delegations of the OSCE, Council of Europe, European Parliament and sometimes NATO. These, and other international organizations, can play key roles in promoting the follow-up of ODIHR electoral recommendations. During its election activities, ODIHR often draws attention to the reports and recommendations of other international organizations as part of its overall assessment.

- ***United Nations***

The UN is one of the OSCE's closest partners, with co-operation governed by the 1993 Framework for Co-operation and Co-ordination between the UN Secretariat and the OSCE. In that same year, the UN granted observer status to the OSCE. ODIHR works closely with a number of UN bodies on the follow-up of electoral recommendations, in particular the Department for Political Affairs' Electoral Assistance Division, the UN Development Programme (UNDP) and UN Women. This includes addressing ODIHR recommendations through UN electoral assistance projects and the holding of roundtables and workshops on specific issues. ODIHR election reports and recommendations may be used as sources in UN human rights reporting mechanisms, including treaty bodies and the UPR.

- ***Council of Europe***

The Council of Europe and OSCE pursue a common goal: the promotion of stability in Europe based on democracy, the rule of law and respect for human rights. Co-operation between the two organizations is laid out in the 2000 Common Catalogue of Co-operation Modalities, signed by the respective Secretaries General. ODIHR has a special partnership agreement with the Council of Europe to co-ordinate human rights work, including electoral activities. The Council is increasingly engaged in the follow-up of electoral

recommendations and broader electoral reform, including technical assistance to electoral management bodies, other election-related agencies and courts. ODIHR and the Council of Europe often hold joint roundtables and seminars on electoral reform issues, while ODIHR partners with the Council's Venice Commission in providing opinions on draft or final election-related legislation.

- ***European Union***

EU Member States and the European Commission are among the OSCE's major partners in funding and implementing human rights projects across the OSCE region. The EU is represented at OSCE bodies by the delegation of the country holding the EU Presidency. Since 2009, the EU has often recognized and emphasized the importance of follow-up of electoral recommendations. In its 2015 Action Plan on Human Rights and Democracy, the EU reaffirmed its support for the DoP and its willingness to work closely with other international organizations that apply it, specifically ODIHR. ODIHR's electoral recommendations are often referenced within EU statements at the OSCE PC and other events, as well as in EU policy documents and financial instruments. The EU has committed itself to systematically follow up on ODIHR's electoral recommendations, including by integrating those recommendations in EU and EU Member States' political dialogue and support activities.

- ***Other International Organizations***

ODIHR is open to co-operation with other international organizations committed to assisting in the follow-up of electoral recommendations. This has particular added value for those organizations whose members are also OSCE participating States, including the CIS, the OAS and the International Institute for Democracy and Electoral Assistance (International IDEA). Likewise, relations between NATO and the OSCE have developed pragmatically to include both political dialogue and operational interaction in the field. NATO may promote and work on the follow-up of ODIHR electoral recommendations, particularly when they are linked to security issues.

- ***NATO***

Relations between NATO and the OSCE have developed pragmatically to include both political dialogue and operational interaction in the field. NATO may promote and work on the follow-up of ODIHR electoral recommendations, particularly when they are linked to security issues.

7.4 Co-ordination with the Donor and Diplomatic Community

International donor organizations and members of the resident diplomatic community have a key role to play in supporting the follow-up of electoral recommendations.

Donor Community. International development partners often support electoral processes through technical assistance, typically conducted by “implementing partners”. At times, this can be challenging, particularly when there is pressure to support the operational delivery of an election at late notice rather than to address longer-term capacity development. Thus, international development partners can be most effective in supporting the implementation of recommendations by following an electoral-cycle approach, using benchmarks, and incentivizing change.

An electoral-cycle approach involves assessing needs after an election has taken place, which should take into consideration recommendations prepared by international and citizen observer groups, and then developing a programme of assistance leading up to and beyond the next elections. This can include benchmarks against which progress is measured, which can draw on electoral recommendations. International development partners can also provide incentives and leverage implementation of recommendations by indicating that additional support is dependent on progress being made. Mid-term donor reviews can provide useful tools for assessing progress and for re-calibrating programmatic support and political messaging.

Diplomatic Community. The resident diplomatic community can promote attention to the follow-up of electoral recommendations and encourage its presence on the national political agenda. Co-ordinated messaging about the importance of improving the conduct of elections in line with international commitments and obligations, and attention to specific issues, increases the likelihood of positive actions being taken to implement recommendations. The diplomatic community can also encourage reporting to the PC and the HDC, as well as to human rights mechanisms, to promote state accountability and compliance with international human rights instruments. ODIHR can encourage such political messaging through the provision of regular information on the implementation of recommendations and follow-up activities.



8. Assessing the Follow-up of Recommendations

Assessing the follow-up of recommendations is important at several stages of the electoral cycle. In the pre-electoral period, it is an important consideration for an ODIHR NAM in making its recommendation on whether to deploy an election observation activity. In the electoral period, the extent of follow-up to previous recommendations contributes to the observation mission's final assessment of an election. In the post-electoral period, the review of recommendations can be useful to understand ongoing electoral challenges and the level of interest in future reform.

Assessing the follow-up of recommendations involves careful consideration and judgment, particularly as some stages of the electoral process may not yet have taken place. In order to ensure consistency and a rounded assessment, the indicators listed below can be taken into consideration. In addition to ODIHR, a review of the follow-up of recommendations can be undertaken by the authorities of the participating State, civil society, media, international donors or other international actors.

1. **Identify the recommendations to be assessed.** The recommendations will generally be from the last elections observed, but may also include recommendations from earlier elections. For example, for local elections, it can be useful to look not only at the recommendations from the most recent national-level elections, but also from the last local elections observed. It can also be useful to consider recommendations from other international and citizen observer missions, if they are credible, and particularly if they include additional recommendations that were not included in ODIHR's reports.
2. **Speak to a wide range of interlocutors.** Discussions should be held with a wide range of interlocutors about changes that have been made to the framework and environment for elections. This should include meetings with representatives of the state and electoral authorities, political parties, media outlets, civil society organizations and politically under-represented groups. Discussions should also cover electoral reform initiatives that may not be a direct response to ODIHR recommendations.
3. **Review the degree to which each recommendation has been implemented.** The extent of follow-up should generally be considered along a scale, incorporating full, partial and non-implementation. It is not always possible to make a conclusive assessment; this may be because the stage of the process that the recommendation concerns has not yet started or is not sufficiently under way. In some cases, a recommendation may be outdated due to other, broader political developments. While keeping in mind the participating States' commitment to follow up on ODIHR's electoral recommendations, any recommendation that a state does not consider appropriate or finds difficult to implement should be discussed carefully with the authorities, and any credible mitigating factors for non-implementation should be noted.
4. **Understand the overall picture.** Consideration should be given to the context in which the assessment is taking place. This includes the participating State's political and security situation, the conduct of elections since the recommendations were made, new electoral developments not covered by the recommendations, and any ongoing reform processes. It also involves identifying which recommendations were implemented and whether they were priority recommendations, whether they involved legal changes and which institutions/organizations were responsible, whether the process was inclusive and undertaken in good faith, whether the follow-up was completed sufficiently in advance of the elections, and whether it was accompanied by adequate voter information and training of electoral staff. It is also important to consider how electoral stakeholders perceive the significance of the recommendations implemented,

whether it builds confidence in the upcoming elections, and any outstanding concerns and risks to the electoral process. While an assessment of follow-up should consider the comprehensiveness of the recommendations addressed, it should give particular attention to the substantive and cumulative impact of the overall changes.

Given that it is not always possible to make conclusive assessments on the implementation of recommendations, their review should be seen as indicative rather than definitive. The review should also focus on priority recommendations and those where the lack of follow-up poses the greatest risk to future electoral processes.



9. Promoting the Participation of Politically Under-represented Groups

Various OSCE commitments and international obligations include provisions for non-discrimination and the promotion of inclusive participation in political and public life. Participating States' follow-up of recommendations should reflect this. ODIHR makes systematic efforts to ensure follow-up activities are sensitive to the participation of politically under-represented groups.

9.1 OSCE Commitments and International Obligations Promoting the Participation of Politically Under-represented Groups

Politically under-represented groups may be characterized as people who have generally or traditionally been marginalized in political processes. Various international and regional human rights instruments provide for the protection and promotion of the rights of such groups, with specific instruments

covering the participation of women, national minorities and persons with disabilities.

Women

OSCE commitments and other international obligations make it clear that men and women should enjoy equal rights throughout the electoral process. This includes the 2009 OSCE Ministerial Council Decision on Women's Participation in Political and Public Life, which commits participating States to "consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making".⁸ This builds on CEDAW, which makes explicit reference to guaranteeing women, on equal terms with men, the right "to participate in the formulation of government policy and the implementation thereof". This has been elaborated upon in authoritative interpretations by the CEDAW committee, in particular in General Recommendation 23 on political participation, which recognizes the need to consider the views of women's groups in policy-making and the value of gender-disaggregated statistical data to assist with the formulation of policies that give effect to the treaty rights.

National Minorities

A range of OSCE commitments and other international instruments recognize the right of national minorities to participate in public affairs without discrimination, including the right to use their own language. Among OSCE commitments, paragraph 35 of the 1990 OSCE Copenhagen Document specifically commits participating States to promote the right of persons belonging to minorities to participate effectively in public affairs. This builds on Article 5 of ICERD, which obliges states to ensure that all citizens can "take part in the government as well as in the conduct of public affairs at any level", without regard to race, colour, or national or ethnic origin. This is reaffirmed in General Recommendation 32 of CERD, which notes the need for prior consultation and the active participation of affected communities when the legal framework is amended. General Recommendation 32 also underscores the need for data disaggregated by race, colour, descent and ethnic or national origin, to allow for policies that would lead to the effective implementation of ICERD. General Recommendation 27 of CERD specifically refers to involving Roma communities in developing and implementing policies designed to promote their participation.

⁸ See also, paragraph 40 of the 1991 OSCE Moscow Document, which commits OSCE participating States to a range of measures to enhance women's participation, and paragraph 23 of the 1999 OSCE Istanbul Document, which commits participating States to gender equality in policy making.

Persons with Disabilities

In paragraph 41 of the 1991 OSCE Moscow Document, participating States committed to “ensure protection of the human rights of persons with disabilities”, including participation in decision-making. At the universal level, the CRPD includes explicit provisions on equal political participation for persons with disabilities. Article 4.3 requires states to “closely consult with and actively involve persons with disabilities” in the development and implementation of measures to implement the CRPD. Article 31 calls for data to be disaggregated, to enable authorities to formulate and implement policies that give effect to the CRPD.

9.2 Promoting the Participation of Politically Under-represented Groups in Follow-up Processes and Through Reforms

Those carrying out follow-up activities need to consider how the process and outcomes of electoral reform will encourage or deter politically under-represented groups’ participation in elections. Activities should (1) include mechanisms to allow under-represented groups to meaningfully participate in the decision-making of follow-up processes, and 2) make use of, or advocate for the provision of, disaggregated data to allow for informed policymaking.

First, the inclusion of politically under-represented groups in the process should be meaningful and not superficial. This involves working with groups that are broadly representative, providing information in advance so that issues and choices can be well understood, and giving opportunities for questions and suggestions. Such consultations should be regular rather than one-off, and should be publicly documented. Specific measures to ensure access for under-represented groups may need to be considered, including the provision of materials in minority languages or ensuring that meetings are accessible to those with physical or sensory disabilities. Representatives of politically under-represented groups should also be involved in assessing the implementation of recommendations and the effectiveness of any reform actions that have previously been implemented. This includes reforms targeted at enhancing the participation of under-represented groups – for example, through temporary special measures – as well as reforms of a more general nature.

Second, the use of disaggregated data on the electoral participation of marginalized groups can help assess existing measures and inform discussion on possible reforms that could promote their greater participation. In all cases, it is important to maintain data-protection standards when collecting and handling such information. If disaggregated data are not available, follow-up activities should consider the establishment of such mechanisms to assess the

effectiveness of reforms and the degree to which OSCE commitments and international obligations are being met. Disaggregated data should, ideally, involve the EMB and other institutions involved in elections, as well as political parties and civil society.

The inclusion of politically under-represented groups in follow-up activities, and the monitoring of the impact of their participation through disaggregated data, is an essential pre-requisite for promoting the effective participation of all citizens in electoral processes.

Annexes

ANNEX A

OSCE Commitments and Other International Obligations and Standards for Follow-up

OSCE

1975 Helsinki Final Act

(...) In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

1983 Madrid Document

The participating States (...) reaffirm the particular significance of the Universal Declaration of Human Rights, the international Covenants on Human Rights and other relevant international instruments of their joint and separate efforts to stimulate and develop universal respect for human rights and fundamental freedoms; they call on all participating States to act in conformity with those international instruments and on those participating States, which have not yet done so, to consider the possibility of acceding to the covenants.

1990 Copenhagen Document

(5) [The participating States] solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(5.7) - human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;

(5.8) - legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone; (...)

(7.1) - hold free elections at reasonable intervals, as established by law;

1990 Paris Document: Charter of Paris for a New Europe

(1) The function of the [ODIHR] will be to facilitate contacts and the exchange of information on elections within participating States. The Office will thus foster the implementation of paragraphs 6, 7 and 8 of the Document of the Copenhagen Meeting (...)

1991 Moscow Document

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction. (...)

(18.1) Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives. (...)

1998 Oslo Document

Annex 2: Basic Framework of the Charter on European Security New Risks and Challenges to Security- Human Dimension, Elections

(4) The participating States should follow-up promptly on the recommendations made by the ODIHR after an election. The ODIHR should offer to the State concerned its assistance in implementing those recommendations and should report to the Permanent Council on the status of their implementation.

1999 Istanbul Document

(25) We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

(27) Non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.

2002 Porto Document (Ministerial Council)

Decision No. 7, Election Commitments

The Ministerial Council, (...) Reaffirming the determination to implement these commitments, (...) Recognizing the ODIHR's expertise in assisting participating States in the implementation of election-related commitments, (...) Calls upon participating States to strengthen their response to the ODIHR's recommendations following election observations (...).

2003 Maastricht Document

Decision No. 5/03, Elections

The Ministerial Council, (...) Tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election-observation reports and inform the Permanent Council on progress made in fulfilling this task (...).

2006 Brussels Document

Decision No. 19/06, Strengthening the Effectiveness of the OSCE (Section 2)

The Ministerial Council, (...)

(2) Recognizes that the ODIHR, in implementing its mandate, has demonstrated its ability to assist participating States in fulfilling their human dimension commitments;

(3) Reminds the participating States that they should keep their legislation and practices in line with OSCE commitments;

(4) Takes note of the assessment regarding the present state of implementation of existing commitments by participating States and emphasizes, in particular, that participating States themselves are responsible for the effective implementation of their commitments undertaken in the OSCE. The ODIHR, in this respect, plays an important role in assisting them;

(5) Tasks the Permanent Council, taking into account the recommendations by ODIHR and other relevant OSCE institutions, to address the implementation challenges in the areas outlined in the report, considering making better use of ODIHR assistance; (...)

(7) Recognizes ODIHR's expertise in assisting the participating States through its election-related activities, including reviewing election legislation and carrying out election observations; (...)

2010 Astana Commemorative Declaration: Towards a Security Community

(2) We reaffirm our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith. We reiterate our commitment to the concept, initiated in the Final Act, of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations.

Universal

1948 Universal Declaration of Human Rights

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

1966 International Covenant on Civil and Political Rights

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) to have access, on general terms of equality, to public service in his country.

1966 International Convention on the Elimination of All Forms of Racial Discrimination

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (...)

- (c) Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service; (...)

1979 Convention on the Elimination of All Forms of Discrimination Against Women

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

2006 Convention on the Rights of Persons with Disabilities

(4.3) In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

1996 Human Rights Committee General Comment 25 on The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service

(5) The conduct of public affairs (...) is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels. The allocation of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws.

1998 General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

- (1) Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation

in the government of his or her country and in the conduct of public affairs.

- (2) This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

2013 General Assembly Resolution on Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization

The General Assembly, (...) Reaffirms the obligation of all States to take all appropriate measures to ensure that every citizen has the effective right and opportunity to participate in elections on an equal basis;

Regional

Council of Europe

1952 Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

- (3) The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure free expression of the opinion of the people in the choice of the legislature.

2002 Venice Commission Code of Good Practice in Electoral Matters

(II.2.B) The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.

Explanatory Report

(II.2.66) One way of avoiding manipulation is to define in the Constitution or in a text higher in status than ordinary law the elements that are most exposed (the electoral system itself, the membership of electoral commissions, constituencies or rules on drawing constituency boundaries).

Another, more flexible, solution would be to stipulate in the Constitution that, if the electoral law is amended, the old system will apply to the next election – at least if it takes place within the coming year – and the new one will take effect after that.

2005 Venice Commission Interpretative Declaration on the Stability of the Electoral Law

- (1) The principle according to which the fundamental elements of electoral law should not be open to amendment less than one year prior to an election does not take precedence over the other principles of the Code of Good Practice in Electoral Matters.
- (2) It should not be invoked to maintain a situation contrary to the standards of the European electoral heritage, or to prevent the implementation of recommendations by international organisations.
- (3) This principle only concerns the fundamental rules of electoral law, when they appear in ordinary law.
- (4) In particular, the following are considered fundamental rules:
 - the electoral system proper, i.e. rules relating to the transformation of votes into seats;
 - rules relating to the membership of electoral commissions or another body which organises the ballot;
 - the drawing of constituency boundaries and rules relating to the distribution of seats between the constituencies.
- (5) In general any reform of electoral legislation to be applied during an election should occur early enough for it to be really applicable to the election.

Commonwealth of Independent States

2008 Inter-Parliamentary Assembly of CIS, Declaration on the Principles of International Observation of Elections and Referenda⁹

(9) (...) After publication (promulgation) of the official results of the elections (referendum), but no later than two months after election day, the head or deputy head of the international observation mission should present a final report on the international election (or referendum) observation to the CIS collective bodies.

9 Unofficial translation.

(10) (...) The final report may include technical recommendations to improve the electoral or referendum process in the state having held the elections (referendum).

Organization of American States

2001 OAS General Assembly, Inter-American Democratic Charter

V. Democracy and Electoral Observation Missions

(23) (...) Member states, in the exercise of their sovereignty, may request that the Organization of American States provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose.

(24) (...) Electoral observation missions shall present a report on their activities in a timely manner to the Permanent Council, through the General Secretariat.

(25) The electoral observation missions shall advise the Permanent Council, through the General Secretariat, if the necessary conditions for free and fair elections do not exist.

Other Standards and Documents

2005 Declaration of Principles for International Election Observation

(7) International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and issue a preliminary postelection statement of findings and a final report upon the conclusion of the election process. International election observation missions may also conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.

(8) The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions.

2012 Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations

(4) Non-partisan election observation and monitoring by citizen organizations is the mobilization of citizens in a politically neutral, impartial and non-discriminatory manner to exercise their right of participation in public affairs by witnessing and reporting on electoral developments through: independent, systematic and comprehensive evaluation of legal frameworks, institutions, processes and the political environment related to elections; impartial, accurate and timely analysis of findings; the characterization of the findings based on the highest ethical standards for impartiality and accuracy; the offering of appropriate recommendations for obtaining genuine democratic elections; and advocating for improvements in legal frameworks for elections, their implementation through electoral related administration and removal of impediments to full citizen participation in electoral and political processes

2015-19 European Union Action Plan on Human Rights and Democracy

(ActionV.32.b) Consolidate best practices for leveraging EU EOMS and OSCE/ODHIR Election Observation Missions recommendations in EU and EU Member State political dialogues and democracy support activities.

ANNEX B

Other Follow-up Materials and Sources

OSCE

ODIHR Election Handbooks

<http://www.osce.org/odihr/elections/119893>

- *Election Observation Handbook: Sixth Edition*, 2010.
- *Handbook for the Observation of Campaign Finance*, 2015.
- *Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes*, 2014.
- *Guidelines for Reviewing a Legal Framework for Elections, Second Edition*, 2013.
- *Handbook for the Observation of New Voting Technologies*, 2013.
- *Handbook for the Observation of Voter Registration*, 2012.
- *Handbook on Media Monitoring for Election Observation Missions*, 2012.
- *Handbook for Long-Term Election Observers*, 2007.
- *Handbook for Monitoring Women's Participation in Elections*, 2004.
- *Handbook for Domestic Election Observers*, 2003.

ODIHR Election-related Legal Opinions and Comments

<http://www.osce.org/odihr/elections/195256>

Legislationline.org – ODIHR database of national election-related legislation

<http://www.legislationline.org/>

E-learning Course for OSCE/ODIHR Observers

<http://www.odihroobserver.org/>

Documents by the OSCE Decision-making Bodies

<http://www.osce.org/resources/documents/decision-making-bodies>

OSCE Human Dimension Commitments (third edition):

Volume 1, Thematic Compilation: <http://www.osce.org/odihr/76894>

Volume 2, Chronological Compilation: <http://www.osce.org/odihr/76895>

United Nations

UN Treaty Collection Database

<https://treaties.un.org/>

UN Human Rights Bodies

<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Special Procedures of the Human Rights Council

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

Universal Periodic Review (UPR)

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

UPR Info's Database of UPR recommendations and voluntary pledges

<http://www.upr-info.org/database/>

Council of Europe

ECtHR Database of Case Law

[http://hudoc.echr.coe.int/eng#{\"article\":\[\"P1-3\"\]}](http://hudoc.echr.coe.int/eng#{\)

ECtHR Factsheet on Right to Free Elections

http://www.echr.coe.int/Documents/FS_Free_elections_ENG.pdf

Venice Commission Vota Database – Election-related Legislation

<http://www.venice.coe.int/VOTA/en/start.html>

Venice Commission Opinions and Studies

http://www.venice.coe.int/WebForms/documents/by_opinion.aspx

GRECO Evaluation Reports and Compliance Reports

http://www.coe.int/t/dghl/monitoring/greco/documents/index_en.asp

ANNEX C

List of Acronyms and Abbreviations

CCPR	Human Rights Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CiO	OSCE Chairperson in Office
CIS	Commonwealth of Independent States
CMW	Committee on Migrant Workers
CRPD	Convention on the Rights of Persons with Disabilities
CRPD Committee	Committee on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DoP	Declaration of Principles for International Election Observation
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EMB	Election Management Body
EU	European Union
FO	OSCE Field Operation
GRECO	The Council of Europe's Group of States against Corruption
HCNM	OSCE High Commissioner on National Minorities
HDC	OSCE Human Dimension Committee
HDIM	OSCE Human Dimension Implementation Meeting
HDS	OSCE Human Dimension Seminar
IADC	Inter-American Democratic Charter
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination

ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
International IDEA	International Institute for Democracy and Electoral Assistance
NAM	Needs Assessment Mission
NGO	Non-governmental Organization
OAS	Organization of American States
ODIHR	OSCE Office for Democratic Institutions and Human Rights
PC	OSCE Permanent Council
RFoM	OSCE Representative on Freedom of the Media
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAC	UN Convention against Corruption
UNDP	UN Development Programme
UPR	Universal Periodic Review
Venice Commission	The Council of Europe's European Commission for Democracy through Law

ODIHR Principles for Follow-up

- 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, and 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.

