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# High Level Conference on the **FUTURE OF INTERNATIONAL ELECTION OBSERVATION**

## **BACKGROUND PAPER**

### **ROLE AND BEST PRACTICES OF PARLIAMENTARY OBSERVATION, INCLUDING A CODE OF CONDUCT**

#### **Parliamentary component of Electoral Observation Missions (EOMs): key considerations**

Parliamentarians are increasingly involved in election observation; this engagement is multifold:

- ) As elected representatives of the people, their own credentials are the embodiment of democratic suffrage as an universal value. Their participation in EOMs is also a reminder of their parliament's striving for an international system based on rules and on multilateralism - such as the provisions on periodic elections of the Universal Declaration of Human Rights (art 21.3) and the International Covenant on Civil and Political Rights (art 25);
- ) Elected M(E)Ps, furthermore, have proven expertise in political campaigns and electoral processes, bringing added credibility and political visibility to the conclusions of long-term technical observation missions;
- ) The involvement of parliamentarians in electoral observation is actually a way to give political clout to EOMs, while safeguarding independence - which would certainly not be perceived in the same way if EOMs were associated directly with the Foreign Affairs Ministry of any given government.
- ) The Declaration of Principles (DoP) for International Election Observation, commemorated on 2005 at the UN, remains the key reference text for EOMs: it enshrines the principles of maintaining strict political impartiality, non-interfering in the electoral process, striving for accuracy and professionalism, and -crucially- refraining from public comments until the EOM speaks collectively.

## The European Parliament Approach

- ) In order to avoid “*ad hoc*” solutions, the EP has established, since 2001, a single organ to coordinate related activities: the Democracy Support and Election Coordination Group (DEG), a 15-Member political body [Co-Chairs: AFET / DEVE Chairs]. Its tasks are to provide political impetus and supervision of
  - Election-related matters, ensuring consistency;
  - Support to parliamentary democracy (capacity building) through the *Comprehensive Democracy Support Approach* (focused activities, tailor made around the electoral cycle - targeting a smaller number of countries / regions with a longer timeframe)
  - Mediation / facilitation / dialogue initiatives, and
  - Human rights-related actions
  
- ) Every six months DEG selects a limited number of priority countries for EP election observation - taking into account certain criteria, including the political situation. The rationale is to decline deploying election observation delegations to countries where it is unlikely for democratic elections to take place. In addition, EP delegations are deployed only if they can be integrated in a long-term mission - either as part of an International Election Observation Missions (IEOMs) in OSCE countries or EU Election Observation Missions in the rest of the world.

## Safeguarding political impartiality: the Code of Conducts

- ) Previous experience has shown that EOMs can be tarnished and undermined if the observation is non-objective and biased, be it intentionally or not; in such cases, however, biased parliamentary observation can undermine both the work done by long-term experts in the observation field, and damage the credibility and the reputation of participating parliamentary institutions.
  
- ) Various parliamentary assemblies have therefore been confronted with the need to square the circle - or rather to strike the right balance between the Member’s freedom of speech, right to travel and to carry out their political activity throughout their mandates, on one hand, and to respect DoP provisions on the other.
  
- ) Within the EP, the DEG is the body which oversees the implementation of the EP’s own Code of Conduct for Members participating in Election Observation Delegations - which was established already in 2012.
  - The EP Code of Conduct, which Members have to sign prior to taking part in an official delegation, clearly establishes that the DoP principles, including maintaining strict political impartiality, are binding for MEPs.
  
  - A sanctions mechanism is also introduced: in the event of non-compliance with the Code, the Head of the EP Delegation can exclude the Member concerned from the Delegation, with immediate effect; in more serious cases, Members may even be excluded from such participation for the duration of the parliamentary term.



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**Issues at stake - discussion points:**

- ) Explore the possibility to create, within each Parliamentary Assembly, a dedicated structure responsible for electoral coordination & priorities, for the sake of institutional memory;
- ) Discuss ways to improve enforcement of DoP Rules; while there is no “one size fits all” solution, look for the mechanisms that have worked best in various Parliamentary Assemblies - and National Parliaments [financial / administrative / political sanctions].
- ) Can the exercise of freedom of speech, while a fundamental right, be an absolute prerogative, especially in the framework of EOMs? A recent legal case, as far as the EP is concerned sets certain criteria; past experiences / precedents could be discussed with fellow PAs / National Parliaments.