

Terms of Reference

ELECTION/LEGAL ANALYST

Background:

ODIHR is the leading agency in Europe in the field of election observation. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess the compliance of elections in OSCE participating States in line with OSCE commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into all elements of an electoral process, and permits to make concrete recommendations to further improve electoral processes. Further details of the organization can be found at www.osce.org/odihr.

Objective:

Under the guidance of the Head of Mission (HoM) and in close co-ordination with the Deputy Head of Mission (DHoM) and the ODIHR Election Department, the Legal/Election Analyst assesses the extent to which the national legislation and its implementation as well as the performance of the election administration comply with OSCE commitments and other international standards for democratic elections and national legislation

Main tasks:¹

Legal and Electoral Expertise

- Acquire knowledge of the judicial system, constitutional system, political and electoral situation in the country;
- Acquire detailed knowledge of the electoral legal framework and other any other laws relevant to the elections (media regulations, judicial system, electoral procedures, etc.); and
- Become familiar with the ODIHR election observation methodology reflected in the relevant ODIHR publications; and
- Acquire knowledge of OSCE commitments and other international standards for democratic elections.

Electoral Issues

- Act as the mission's principal point of contact with the national election authorities;
- Establish and maintain contact with the main authorities, in charge of administering the elections throughout the country;
- Attend and report on all meetings of the national election authorities of the country;
- Assess the performance of the election administration, in line with OSCE Commitments, other international standards for democratic elections and national legislation;
- Monitor voter registration, candidate registration, election regulations and procedures, the design and printing of ballot papers, the performance of lower-level election commissions, and other issues within the purview of the election administration;
- Review the counting and tabulation procedures and analyze the production of the final aggregated results for conformity with legal regulations and administrative procedures; and

Legal Issues

- Follow all election-related disputes, complaints, court cases, and appeals;
- Review and report on election-related court cases throughout the election period;

¹ These apply to all types of ODIHR observation related activities (Election Observation Missions, Limited Election Observation Missions, Election Assessment Missions, and Election Expert Teams). Some of the tasks, however, particularly due to the absence of long and short-term observers, are not applicable to Limited Election Observation Missions, Election Assessment Missions and/or Election Expert Teams.

- Attend relevant meetings, particularly court meetings and meetings of the national election authorities and report as required; and
- Record and follow-up on complaints and appeals and ensure that information about complaints and appeals is distributed to relevant members of the mission.

Advisory Role

- Prepare briefing materials, talking points on the legal framework or on the performance of the election administration as requested by the HoM/DHoM; and
- Provide advice to the HoM on any legal/electoral issues as required.

Supporting and Managerial Role

- Participate in selection of support staff to core team members according to the established procedures; and
- Manage Senior Legal Analyst Assistant, including certifying and evaluating the results of his/her work.

Reporting

- Prepare reports on legal and election administration issues as requested by the (D)HoM; and
- Contribute to all mission reporting including to the draft Final Report and formulate recommendations as required for inclusion in the Final Report before leaving the mission area.

Requirements:

- University degree in international human rights law, or related field with strong knowledge of election laws;
- Four years of relevant professional work experience in law, national election administration, non-governmental organizations, international organizations, involved in observing and/or organizing election processes;
- Excellent election expertise and good knowledge of the international and regional standards for democratic elections;
- Excellent analytical and drafting skills;
- Demonstrated ability to work under pressure in a sensitive political environment;
- Demonstrated ability to work in managerial role and as a member of a team composed of individuals of different cultural and political backgrounds, while maintaining impartiality and objectivity;
- Computer literate; familiarity with word-processing;
- Excellent written and oral communication skills in English with particular knowledge of technical legal terminology used in the field of elections. Knowledge of local language(s) is an asset;
- Demonstrated gender awareness and sensitivity, and an ability to integrate a gender perspective into tasks and activities; and
- Remain available for consultation (by phone or email) until the Final Report is published.

Deliverables:

- Relevant input to Draft Final Report;
- Participation in recruitment of support staff to core team, including preparing and signing the interview report; and
- Certification and evaluation of work performed by support staff under direct supervision.