



Office for Democratic Institutions and Human Rights

CANADA

PARLIAMENTARY ELECTIONS

23 January 2006

OSCE/ODIHR Election Assessment Mission Report



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I. EXECUTIVE SUMMARY

In response to an invitation from the Canadian Delegation to the Organization for Security and Co-operation in Europe, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 23 January 2006 general elections in Canada. The EAM met with officials, candidates and representatives of civil society in order to get an overview of the election process and of specific legislative and administrative issues.

Canada has a long-standing tradition of democratic elections, and the 23 January 2006 general election was conducted in keeping with this tradition. It demonstrated the credibility of the election process in Canada. The process could be characterized as transparent and accountable, and there is established public confidence in the conduct of elections. Voter turnout was reported at 64.9 per cent.

The campaign took place in an open atmosphere and permitted an overall fair electoral competition. A substantial number of parties and candidates registered and participated in the elections without impediment, offering voters a wide and genuine choice in a competitive political environment. Public and private media covered the elections widely and provided voters with a broad range of views and information in an equitable manner.

The legal framework, especially the Canada Elections Act, provides a sound basis for the conduct of democratic elections. However, consideration should be given to enhance the right of domestic non-partisan and international observers to observe all stages of the electoral process, in order for the relevant legislation to be in line with OSCE commitments. In addition, the mechanism for appointment of Returning Officers who are in effect appointed by the party in government, as well as a review of legal provisions that limit the rights of non-citizens to participate in the campaign, could be considered.

The elections were administered by the Chief Electoral Officer and Elections Canada in a professional manner and according to procedures which enjoy the overall trust of candidates and voters. Returning Officers in the 308 single seat constituencies and electoral administration at all levels performed their duties in a professional and impartial manner. Elections Canada undertook broad efforts to inform voters about their rights. It also undertook efforts to augment turnout by targeted campaigns for young voters and voters from aboriginal and ethno-cultural communities.

Although in the context of an OSCE/ODIHR EAM there was no systematic or comprehensive observation of polling station procedures, the conduct of the election day at the polling stations visited by the EAM appeared to be professionally and efficiently organized.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

In response to an invitation from the Canadian Delegation to the Organization for Security and Co-operation in Europe, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 23 January 2006 general elections in Canada.

The OSCE/ODIHR EAM, headed by Mr. Vadim Zhdanovich, OSCE/ODIHR Senior Election Adviser (Russian Federation), was deployed from 14 to 25 January 2006 and consisted of ten election experts from eight OSCE participating States. In addition to experts based in Ottawa, the EAM deployed teams to Edmonton, Montreal and Toronto.

The EAM met with officials from governmental and electoral authorities, candidates and representatives of political parties, media and civil society at both national and regional levels, in order to get an overview of the election process and of specific legislative and administrative issues. In line with OSCE/ODIHR practice, the deployment of an EAM does not envisage any systematic or comprehensive observation of election-day procedures.

The OSCE/ODIHR expresses its appreciation to the Ministry for Foreign Affairs and to Elections Canada for their support, as well as to all authorities, organizations and individuals for their co-operation throughout the duration of the EAM.

III. BACKGROUND

Canada is a constitutional monarchy with a federal system of parliamentary government¹. The Parliament has two Chambers. One of the Chambers, the House of Commons, is elected by popular vote for a five-year term, while the Senate is appointed by the Governor General. Initially, Senators were appointed for life. In 1965, Parliament passed a bill requiring Senators to retire at the age of seventy-five. At present, there are 308 seats in the House of Commons and 105 seats in the Senate. Early elections can be called when the Prime Minister requests the Governor General² to dissolve Parliament and requests the Chief Electoral Officer to issue writs³ for an election.

Canada consists of ten provinces⁴ and three territories⁵, and has a population of some 32.2 million citizens⁶. The country has two official languages, English and French. Québec is the only province with a French-speaking majority population.

¹ Queen Elizabeth II is the reigning monarch since 6 February 1952. As such she is the *de jure* head of state.

² The *Governor General* of Canada is the representative of the Canadian monarch. The Queen appoints the Governor General on the advice of the Prime Minister of Canada. The Governor General of Canada is Michaëlle Jean, who has served since 27 September 2005.

³ An "election writ" is a government document ordering an election.

⁴ Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Québec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia.

⁵ Yukon, Northwest Territory and Nunavut.

⁶ Data for 2005. Source: Statistics Canada, <http://www40.statcan.ca/l01/cst01/famil01.htm>.

Canada's political party system has evolved over the past decades from a two-party system to one in which currently four parties are represented in the House of Commons. The Liberal Party has been one of two dominant political forces since the middle of the 19th century, and has been in power for extended periods of time. The Conservative Party, created in 2003 through the merger of the Canadian Alliance party and the Progressive Conservatives, is the successor of center-right parties which have been the other dominant force since the federation was established in 1867. The New Democratic Party, which grew out of the cooperative and trade union movements, and the Bloc Québécois, which only runs in Québec and advocates sovereignty for that province, are the other two parties which have been represented in the House of Commons over the past decades.

The 23 January 2006 elections were the 39th general elections held in Canada. They came less than two years after the previous general elections held in June 2004. The 2004 elections had seen the Liberal Party emerge as the strongest force in the House of Commons; however, the Liberals failed to win a majority of seats and their leader, Paul Martin, had to form a minority government, relying on support from other parties to pass legislation.

On 28 November 2005, the government of Prime Minister Paul Martin lost a vote of confidence in the House of Commons, by 171 to 133 votes. On the advice of the Prime Minister, the Governor General, on 29 November, dissolved the 38th Parliament and gave instructions to issue writs of election. The date for the general elections was set for 23 January 2006.

The vote of no confidence came in the wake of a report on the so-called 'Sponsorship Scandal'. It was alleged that federal funds earmarked for promoting pro-federal sentiments in Québec in the wake of the 1995 referendum on Québec sovereignty had been channeled to Liberal supporters. A report by the Auditor General and an investigation by Judge John Gomery established that malpractices and abuses had indeed occurred, although the Gomery Report⁷ cleared Prime Minister Paul Martin of any responsibility or wrongdoing.

IV. LEGISLATIVE FRAMEWORK

A. OVERVIEW

The Canada Elections Act and Electoral Boundaries Readjustment Act are the primary laws governing federal elections in Canada. Some provisions of the Income Tax Act are relevant regarding tax receipts for campaign contributions. The Canadian Charter of Rights and Freedoms is also an important document regulating elections as it contains guarantees protecting suffrage rights and other rights, such as freedom of expression, assembly, and association, which are necessary for the effective exercise of political opinions and views during an election. Additionally, under Section 17 of the Canada Elections Act, the Chief Electoral Officer has power to issue "adaptations" of the law "if an emergency, an unusual or

⁷

The Gomery Report on a federal inquiry into the Sponsorship Program and Advertising Activities released on November 1 2005 found that the Liberal Party had benefited from "an elaborate kickback scheme" and the public funds were indeed misappropriated.

unforeseen circumstance or an error makes it necessary”.⁸ These adaptations have the force of law. Finally, the legal framework for elections is also formed by the relevant judicial decisions at federal level, notably those of the Supreme Court of Canada.

OSCE participating States are committed to ensuring that legislation is public, transparent, and readily accessible to citizens.⁹ The relevant electoral legislation for Canada is, generally, readily accessible to the public. The website of Elections Canada is quite comprehensive and provides the full text of most legal provisions regulating elections. Additionally, under Section 541 of the Canada Elections Act, the public is granted broad access to electoral documents, including the right to obtain copies. Although Section 541 provides broad access, it is not self-executing and requires a request from the public. *In order to further enhance the accessibility of electoral legislation, it is recommended that Section 17 adaptations also be published on the Elections Canada website and provided to candidates and political parties regardless of whether or not a specific request is made.*

B. ELECTORAL SYSTEM

Members of the House of Commons are elected in one round of voting in single member electoral districts (constituencies)¹⁰ by a ‘first past the post’ election system. Each voter in a constituency votes for one candidate endorsed by a political party, or for individuals registered to compete as independent candidates. The candidate who receives the highest number of votes wins the seat.

Currently, there are 308 members of the House of Commons. This number is subject to adjustment after each decennial census when new constituency boundaries are established. New boundaries become legally effective with the first dissolution of Parliament, provided that at least one year has passed since the date of the adoption of the Representation Order¹¹.

Establishment of new constituency boundaries is regulated by the 1985 Electoral Boundaries Readjustment Act. The first step in the process for establishing constituencies requires the Chief Electoral Officer to determine the number of constituencies, based on population, for each province. However, adjustments are made to accommodate other legal requirements: (1) a province cannot have fewer seats in the House of Commons than it does in the Senate, and (2) each province is entitled to no fewer seats than it had in either 1976 or during the 33rd Parliament elected in 1984.

Currently, the seats allocated are: seven seats to Newfoundland and Labrador, four to Prince Edward Island, 11 to Nova Scotia, 10 to New Brunswick, 75 to Québec, 106 to Ontario, 14 to Manitoba, 14 to Saskatchewan, 28 to Alberta, and 36 to British Columbia. As required by the 1867 Constitution Act, one seat is allocated to each of the three territories. The second step is to establish constituencies within each province.¹² This is done by an Electoral Boundaries Commission established in each province and consisting of three members. Although there is

⁸ Under Section 534 of the Canada Elections Act, the Chief Electoral Officer is required to report, within 90 days after the election, to Parliament on information on possible Section 17 adaptations.

⁹ Paragraph 5.8 of the 1990 OSCE Copenhagen Document.

¹⁰ Constituencies are referred to as “ridings” in the Canadian context.

¹¹ The document that specifies the geographically defined areas encompassed by each constituency.

¹² This is not required for the territories as each has only one member in the House of Commons.

a process for public input, the commission has the final authority to decide, subject to court challenges, the constituency boundaries.

Ideally, the commission should divide the province into constituencies with the same population. However, a commission is allowed to deviate from the ideal population size, up or down, by 25%. Further, this deviation may be exceeded in circumstances considered by the commission to be extraordinary, such as protection of a concentrated minority or a sparsely populated administrative unit.

The average number of voters per constituency is 74,067. However, the population size and number of voters of some individual constituencies differs significantly from the national average. According to the 2001 census, the smallest constituency has 26,745 inhabitants, while the largest one has 124,572¹³. *Such exceptions could be reviewed, in line with electoral best practices concerning the equality of the vote*¹⁴.

C. SUFFRAGE AND VOTER REGISTRATION

All Canadian citizens who are 18 years or older on election day are entitled to vote. The only exceptions are the Chief Electoral Officer and the Deputy Chief Electoral Officer. There are no disqualifications on the basis of length of residence, naturalization or disability for Canadians resident in Canada. Canadian citizens residing abroad lose the right to vote if they have been outside Canada for more than five years. *It is recommended that five years legal provision for Canadians living abroad be reconsidered.*

Since 1997, Canada has used the National Register of Electors as a database of Canadians who are qualified to vote. It contains basic information about each person-name, address, sex and date of birth. Canadians may choose whether or not to have their names listed in the Register. Compilation and management of the National Register of Electors is the responsibility of the Chief Electoral Officer. Information for the register is provided by a variety of sources, including federal departments of the Government of Canada. Additionally, there is a revision period immediately before an election. The revision period lasts for 28 days, beginning 33 days before the election and ending on 18:00 hours on the sixth day before the election. Voters can also be registered on election day if they can provide sufficient proof of identity and residency *vis-a-vis* the polling station where he or she wants to cast a ballot. Special provisions exist for voters in the armed forces and homeless persons. The legal provisions for voter registration appear to be adequate, and most political parties did not express concern over the accuracy of the National Register of Electors.

D. NOMINATION OF CANDIDATES

A citizen of Canada who is 18 years of age or older on election day, except for those barred by Section 65 of the Canada Elections Act,¹⁵ may stand as a candidate. A candidate may seek

¹³ The largest constituency is West Vancouver–Sunshine Coast (British Columbia) and the smallest one is Labrador (Newfoundland and Labrador). Source: Elections Canada Website.

¹⁴ OSCE/ODIHR Election Observation Handbook (fifth edition); Code of Good Practice in Electoral Matters, European Commission for Democracy through Law (Council of Europe's Venice Commission).

¹⁵ Section 65 states "The following persons are not eligible to be a candidate: (a) a person who is not qualified as an elector on the date on which his or her nomination paper is filed; (b) a person who is

election in only one constituency but does not have not be a registered voter or reside in the constituency.

Section 69 of the Canada Elections Act permits candidate nominations to be made as late as 14:00 hours on the 21st day before polling. A candidate's nomination documents must be signed before a witness by at least 100 persons who are registered to vote in the candidate's constituency. The documents are then submitted to the appropriate Returning Officer by the witness and include: witnessed declaration signed by the candidate stating that the candidate accepts the nomination; statements signed by the candidate's official agent and the auditor consenting to act in those capacities; the candidate's name, permanent address and occupation; the official agent's name and permanent address; and the name, business address and occupation of the auditor. An electoral deposit of 1,000 Canadian dollars must be paid when the documents are submitted. The electoral deposit is reimbursed if the candidate's official agent submits the candidate's election expenses returns and unused official receipts within the legal deadline.

Candidates of political parties desiring to have the party name included on the ballot with the candidate must include an endorsement letter signed by the party leader, or an appropriate designee.¹⁶ If no endorsement letter is proffered, then a candidate must indicate whether he or she is to be listed on the ballot as an "independent" or without designation. The deadline for withdrawal of candidacy is 17:00 hours on the last day for nominations. The Returning Officer for the constituency has a maximum of 48 hours to confirm or reject the nomination.

E. CAMPAIGN RULES

The legal framework provides an adequate basis for candidates and political parties to communicate their messages and platforms to voters.

However, Section 331 of the Canada Elections Act prohibits a non-resident, during an election period, from campaigning for or against a candidate. The right to campaign is limited to (1) Canadian citizens, and (2) permanent residents within the meaning of the Immigration and Refugee Protection Act. Section 331 prevents foreigners and stateless persons from participating in election campaigns. The rights of freedom of expression, assembly, and association generally belong to all persons within the jurisdiction of an OSCE participating State¹⁷. Even if non-citizens do not have the right to vote, they should have the right to freely express their opinion, associate and participate in political debates during election

disentitled under paragraph 502(3)(a) while they are so disentitled; (c) a member of the legislature of a province, the Council of the Northwest Territories or the Legislative Assembly of Yukon or Nunavut; (d) a sheriff, clerk of the peace or county Crown Attorney in any of the provinces; (e) a person who is not entitled under section 4 to vote; (f) a judge appointed by the Governor in Council, other than a citizenship judge appointed under the Citizenship Act; (g) a person who is imprisoned in a correctional institution; (h) an election officer; and (i) a person who was a candidate in a previous election and for whom a return, report, document or declaration has not been provided under subsection 451(1), if the time and any extension for providing it have expired."

¹⁶ A political party must have applied to be registered as a political party at least 60 days before the writ for elections was issued.

¹⁷ See, for example, Paragraph 5.9 of the 1990 OSCE Copenhagen Document.

campaigns¹⁸. *Consideration could be given to amend legal provisions that limit the rights of non-citizens in this regard.*

The primary legal provisions for media regulation during the campaign are found in Sections 319 through 362 of the Canada Elections Act. These sections require that every broadcaster make air time available to registered political parties. The Broadcasting Guidelines issued by the Broadcast Arbitrator for these elections require a total of 408 minutes to be allocated among political parties contesting the election.

F. VOTING BY PRISONERS

Section 4 of the Canada Elections Act prohibits an incarcerated prisoner, who is serving a sentence of two or more years, from voting. This prohibition was determined to be unconstitutional in the Canadian Supreme Court decision of *Sauvé v. Canada* (Chief Electoral Officer), 3 S.C.R. 519 (2002).¹⁹ The Chief Electoral Officer has addressed the situation, both in the June 2004 and January 2006 elections, by exercising Section 17 authority and allowing these persons to vote.

However, the Parliament has not amended Section 4 accordingly and, as noted by the Chief Electoral Officer, it is questionable whether Section 17, which provides for special authority to address emergencies, unusual or unforeseen circumstances or errors, can continue to be applied to a known situation that requires legislative amendment.²⁰ *Consideration could be given to amend Section 4, so that denial of suffrage can occur only where a person has been convicted of committing a crime of such a serious nature that forfeiture of political rights is indeed proportionate to the crime committed, that forfeiture be for an established period of time likewise proportionate, and that restoration of political rights should occur automatically after the expiration of this period of time.*

G. OBSERVERS

Section 135 of the Canada Elections Act limits admission to polling stations to: (1) the deputy returning officer and the poll clerk; (2) the returning officer and his or her representatives; (3) candidates; (4) two representatives of each candidate or, in their absence, two voters to represent each candidate; (5) an elector and a friend or relative who is helping an elector who requires assistance; (6) any observer or member of the Chief Electoral Officer's staff whom he or she authorizes to be present²¹. Thus, the law leaves it to the discretion of the Chief

¹⁸ The rights of non-citizens would also appear to be protected by the Canadian Charter of Rights and Freedoms. Concerning the rights of freedom of expression, assembly, and association, Section 2 of the Charter extends these rights to *everyone*.

¹⁹ The principles stated by the Supreme Court of Canada in *Sauvé v. Canada* have also been applied by the European Court of Human Rights in a case decided under the European Convention for the Protection of Human Rights and Fundamental Freedoms. See *Hirst v. United Kingdom* (No. 2), Application No. 74025/01 (6 October 2005).

²⁰ Completing the Cycle of Electoral Reforms – Recommendations from the Chief Electoral Officer of Canada on the 38th General Election (Ottawa 2005), at page 36.

²¹ Further, Section 283 of the Canada Elections Act would appear to limit observance of the count to: the deputy returning officer, the poll clerk, and any candidates or their representatives who are present or, if no candidates or representatives are present, in the presence of at least two voters.

Electoral Officer to decide on authorization of observation, rather than provide the right for this confidence building measure in the electoral process.

Members of the OSCE/ODIHR EAM were able to access polling stations due to the authorization of the Chief Electoral Officer. *Legislative provisions should be enacted to enable international observers from OSCE participating States, who are invited by the authorities, to attend all stages of the election process, in line with Paragraph 8 of the OSCE 1990 Copenhagen Document.*

The presence of domestic non-partisan observers enhances the transparency of the electoral process and has a positive impact on public confidence. This is particularly the case where voters come from a diverse background and where one political party dominates local administration. *Legislative provisions should be enacted to enable registered domestic non-partisan observer groups to monitor all stages of the election process.*

V. ELECTION ADMINISTRATION

The Canadian election administration consists of three levels: The Chief Electoral Officer (CEO) and Elections Canada, 308 Returning Officers - one in each constituency, and Deputy Returning Officers (DRO) and Poll Clerks in each polling station. This system was introduced by the *Dominion Elections Act* in 1920 and has since proven to be successful and widely accepted. All interlocutors expressed to the EAM their trust in the integrity and high professionalism of the Chief Electoral Officer and Elections Canada.

Management of elections in Canada represents a blend of different approaches with respect to the appointment of election administration. At the highest level, strict political neutrality is ensured by the position of the Chief Electoral Officer, who is appointed by a resolution of the House of Commons. While such a resolution requires a simple majority in the House, CEOs have traditionally been appointed unanimously. The CEO may be dismissed by the Governor General, but only for cause and at the request of both Houses of Parliament. The CEO's office, with more than 300 permanent employees known as Elections Canada, is recruited according to the usual procedures of the public service, excluding any partisan or biased approach. The CEO serves until retirement at age 65 or resignation. As a result, only five CEOs have served since the position was introduced in 1920.

The CEO reports directly to Parliament. However, the CEO usually communicates with the Governor in Council²² through a Cabinet minister designated for that purpose and appears regularly before the House of Commons and the Senate committees. The CEO is vested with an extremely broad spectrum of competencies. The CEO has the full mandate to:

- exercise general direction and supervision over the conduct of elections and referendums;
- initiate and support the re-drafting of electoral boundaries after each census;
- maintain the National Register of Electors;

²²

Governor in Council is the Governor General on the recommendation of Cabinet.

- select and appoint the Commissioner of Canada Elections, who ensures that the Canada Elections Act is enforced, and the Broadcasting Arbitrator, who allocates paid and free broadcasting time among registered political parties during electoral events and arbitrates on media-related issues;
- train and support Returning Officers, who carry out elections in each constituency;
- implement public education and information programs aiming at a better understanding of the election process and facilitating the exercise of voting rights by specific groups of voters, such as youths, aboriginals, homeless and voters outside Canada.

The CEO must be ready to start an election process at any time and is entitled, in case of emergency, to adapt any provision of the Canada Elections Act, except to prolong the period for submission of nomination papers or extend the voting hours during advance voting and to more than 12 hours on polling day. Under Canadian legislation, the CEO's independence is enforced by his or her two budget authorities: (a) administrative vote for the funds for the permanent employees and (b) statutory authority to directly draw from the Consolidated Revenue Fund to cover expenses for elections and referendums.

At the intermediate level, a Returning Officer (RO) is appointed by the Governor in Council for each of the 308 constituencies. ROs may only be dismissed for cause or if they cease to reside in the relevant constituency. ROs are subject to the direction of the CEO but are not employees of Elections Canada. They have the power to take decisions within their constituency while at the same time being legally responsible for their actions.

In principle, the appointment of the ROs may be affected by party considerations, but they are expected to work under the instructions of the CEO and are prohibited from engaging in partisan conduct, including contributing to a candidate or a party. In a recent report²³ the CEO has recommended to Parliament that the Canada Elections Act be modified to provide for changes in the method of selection and appointment of Returning Officers, so that the CEO would select and appoint ROs following a merit-based process for a set period of 10 years and that the CEO would have the power to remove ROs and appoint replacements. The CEO has cited a range of structural and practical advantages of such a change, while still stressing the ability of local officers to take decisions in light of local circumstances.

While not expressing specific allegations regarding deficient performance of ROs or serious objections to the actual procedure, some interlocutors, mainly parties' representatives, said that they consider the current appointment mechanism is not optimal, and would prefer a system under which ROs would be appointed by the CEO. *Consideration could be given to amending the Canada Elections Act so that ROs are appointed and removed by the CEO through an accountable and transparent process. ROs could be appointed for a fixed term and their appointments renewable subject to positive performance review and in keeping with general civil service provisions on retirement.*

At the polling station level, elections are conducted by Deputy Returning Officers (DROs) and Poll Clerks (PCs), who are appointed by the relevant RO. The parties which finished first

²³ Completing the cycle of electoral reforms-Recommendations from the Chief Electoral Officer of Canada on the 38th General Elections (Ottawa 2005), at page 36.

and second in the last general elections in a constituency are entitled to nominate candidates for these positions; the DRO's position is reserved for the strongest party, while the position of PC is reserved for the second-strongest party. While such an approach could be perceived as giving an advantage to the big parties, in reality, in all constituencies visited by EAM, the number of poll workers nominated by political parties was very limited. This required serious efforts by the ROs to secure the necessary number of election officers and a reasonable standby reserve in order to guarantee the smooth and efficient conduct of the elections.

Interlocutors from political parties stated that election officers' positions are no longer deemed as relevant as in the past due to the overall high level of confidence in Elections Canada. As a result, local party activists are mostly used on election day as candidates' representatives ('scrutineers') in polling stations. In this capacity they can also facilitate "get out the vote" efforts. *Consistent with the existing high level of overall confidence in the electoral process, and current proposals for amendments to the Canada Elections Act which would entitle the CEO to appoint the ROs, consideration could be given to de-emphasize the party engagement in the appointment of the polling officers and to further consolidate independent election administration.*

During each election, Revising Agents and Registration Officers are also appointed to deal with the voter register during the revision period and during advance and regular polling. In addition, many ROs appointed staff dealing specifically with particular groups of voters such as aboriginal voters, ethno-cultural communities, young voters, or homeless persons.

Starting in 2004, Elections Canada instituted the position of Field Liaison Officer (FLO). For the 2006 general elections, 26 FLOs throughout the country were recruited among former Returning Officers on a contractual basis²⁴. Every FLO was assigned a maximum of 14 constituencies of a similar profile. FLOs provided expertise, instructions, advice and training for the ROs in their area of responsibility, as well as a general evaluation of the service quality. FLOs provided Elections Canada with the necessary tool to obtain timely and reliable information about the level of preparation and transmit instructions and directives to the constituencies. *If the position of Field Liaison Officer is retained, the Canada Elections Act could be amended correspondingly in order to clearly define the role and responsibilities of FLOs.*

VI. CAMPAIGN

The campaign took place in an open atmosphere and permitted an overall fair electoral competition. At times campaign discourse was robust. A total of 15 political parties registered for the elections, and 1,634 candidates contested the polls in the 308 constituencies. Parties and candidates were able to register without impediments and to freely present their views to the electorate. The civil and political rights of candidates and voters were well protected.

The campaign for the 39th general elections lasted 56 days, three weeks longer than the minimum length of 36 days provided in the Canada Elections Act. Over the past decades, the duration of election campaigns in Canada had not exceeded the minimum length. Therefore, the length of the campaign required a different approach from parties and candidates.

²⁴

Except in the three territories which were managed directly from Ottawa.

Interlocutors from political parties told the EAM that they thought the campaign period was too long and that they would have preferred a shorter campaign. It had been expected that the campaign would be largely quiet over the holiday period, but the leaking of an investigation of the Royal Canadian Mounted Police into financial irregularities regarding income funds dominated the news over the Christmas and New Year holidays.

The Elections Canada Act establishes limits on candidate and party spending for the campaign. Under amendments introduced in 2003, contributions by individuals and corporations and organizations are strictly limited. In return, parties and candidates are entitled to partial refund of their campaign expenses under certain conditions and parties, which receive more than two per cent of the votes cast nationally, are entitled to annual funding from the state budget at the rate of 1.75 Canadian dollars for each vote they received. While the new limits appear to allow parties and candidates to collect sufficient funds to run an effective campaign, some interlocutors pointed out problems in running a longer campaign with the existing contribution and spending limits, which apply to the campaign as a whole.

Parties and candidates are required to account for and report their campaign revenues and expenditures, and Elections Canada provided extensive documentation and software to facilitate this requirement. ‘Third parties’ which plan to campaign on behalf of a candidate and party must register with Elections Canada and file financial reports if they plan to spend more than 500 Canadian dollars.

All major parties campaigned actively in order to get their message to the electorate. The Conservative Party’s main message was one of change and establishing new relations between the federal government and the provinces, while the Liberal campaign highlighted policy changes that a change of government might bring about and stressed the party’s achievement during its term in office. The New Democratic Party (NDP) presented itself as an alternative on the Left which would act as a check on any future government and asked voters who had previously voted for the Liberals to give their vote to the NDP. The Bloc Québécois ran on a pro-sovereignty platform focused on the status of Québec and relations between the province and the federal government. The political discourse during the campaign became at times heated, as witnessed by several ‘attack ads’ broadcast on television; however interlocutors did not raise concerns regarding the campaign.

VII. MEDIA

Freedom of expression and of press is enshrined in the Canadian Constitution²⁵. Canadian media gave a broad and extensive coverage of the election campaign. The election administration developed a precise communication plan targeting all segments of voters, including aboriginals, ethno-cultural communities, “snowbirds”²⁶, and particularly the youth, in various media and at all stages of the process. Although this campaign provided basic voter information, it was designed primarily to increase voter participation.

²⁵ Constitution Act, 1982, Charter of Rights and Freedoms, Section 2(b).

²⁶ “Snowbirds” are persons who spend extended periods during the winter months abroad in places with a warmer climate. Since these elections were the first general elections since 1980 to be held in winter, Elections Canada made a strong effort to enable these voters to vote and to provide them with the necessary information.

With 128 television stations, almost 2,000 radio stations and a diverse and vibrant daily press, Canadian citizens had access to a wide range of information. However, the increased concentration of media ownership has often raised concerns about a potential threat to media diversity. In addition to the public Canadian Broadcasting Corporation (CBC), which operates in both English (CBC) and French (Radio-Canada), there are four major private TV networks, CTV and Global broadcast in English, and TVA and TQS - in French.

During an election, the rules applying to media coverage of the election campaign are defined in the Canada Elections Act, the Broadcasting Act of 1991, and the Canadian Radio-Television and Telecommunications Commission public notices and circulars²⁷. Furthermore, the Broadcasting Arbitrator issued broadcasting guidelines on 30 November 2005. Two main concepts serve as the basis of the system:

- the principle of equity in covering the various parties and candidates, in both paid and free media time, in addition to news and public affairs programs²⁸;
- “The Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty”²⁹.

There are no specific election regulations for use of print media or for the Internet.

A. PARTY LEADERS’ DEBATES AND ROLE OF THE MEDIA CONSORTIUM

The media election consortium is a co-operative, non-profit group of broadcast networks and news agencies³⁰ that collect the results of the federal, provincial and referendum elections for its members and for non-members who wish to participate. The consortium installs a telephone line and hires a correspondent in each constituency, and the results are gathered and compiled in a central results centre.

The consortium also organizes, with the political parties’ agents, the national television debates among the prominent party leaders. These debates are cornerstones of the campaign, as they are broadcast on the main English and French language broadcast media and thus ensure a wider exposure to the party leaders. For this election, four national debates took place, two in English and two in French, with a format that was slightly changed compared to the last elections.

However, as in the 2004 elections, the Green Party Leader was not invited to join the debate; only the leaders of the four parties which are represented in the House of Commons³¹ were

²⁷ For this general election, *see* Broadcasting Circular CRTC 2005-467.

²⁸ Defined as “in depth examinations of candidates and issues, profiles of candidates, debates, and under the editorial control of the licensee”, Public Notice CRTC 1988-142, 2 September 1988.

²⁹ Broadcasting Act (1991) 3.1 (b).

³⁰ CBC and SRC, CTV, Global TV, TVA, CHUM television, and The Canadian Press and Broadcast News/La Presse Canadienne and Nouvelles Télé-radio.

³¹ Conservative Party, Liberal Party, New Democratic Party and Bloc Québécois.

invited. The Green Party organized an on line petition and gathered more than 40,000 signatures in support of its claim to the right to participate, which was based on three reasons:

- The party's national coverage: the Party fielded candidates in each constituency; whereas the Bloc Québécois only presented candidates in Québec;
- Even if the Green Party did not elect a candidate in 2004, it earned the votes of over 580,000 Canadians representing more than four per cent of the vote;
- Finally, Bill C-24 passed by Parliament in 2003 establishes that each party that passes two per cent of the national vote receives 1.75 Canadian dollars annually per vote; the Green Party argued that tax payers should be entitled to hear in the public debates the parties that are financed by the public.

There are no formal legal provisions regulating political debates during an election and, as a media organization, the consortium enjoys freedom of press. Therefore the two CBC/SRC Ombudsmen³² rejected complaints by the Green Party on this issue. Nonetheless, in their conclusion, the Ombudsmen urged CBC/Radio-Canada to "examine the terms of participation of party leaders in televised debates in light of changing formats, as well as the evolving political and social environment". *Criteria for participation in televised debates could be clarified and reconsidered in order to enhance the diversity of electoral messages.*

B. PAID AND FREE TIME ALLOCATION AND ROLE OF THE BROADCASTING ARBITRATOR

Six months after an election, the Chief Electoral Officer appoints the Broadcasting Arbitrator for the next election event. The current Broadcasting Arbitrator has held this position since 1992. The Broadcasting Arbitrator arbitrates disputes between political parties and broadcasters during a general election.

The Broadcasting Arbitrator also allocates paid and free broadcasting time to political parties³³ during a general election, according to a formula whose principles are set out in the Canada Elections Act. The formula for paid time tends to weight the importance of each contesting party in an equitable manner³⁴ and guarantees each party the right to purchase broadcasting prime time on TV and radio at a reasonable and equal price. For this election, 408 minutes were allocated between the registered parties, for use between the issuance of the writs and midnight on the day before polling day. Each party may purchase more time, within the limits of its overall election expenses ceiling. In his Recommendations on the 38th General Election³⁵, the Chief Electoral Officer reports, that "the Broadcasting Arbitrator has observed that, in the past few elections, smaller parties have rarely used any of the paid time apportioned to them because they are unable to afford it. Even the larger parties rarely, if ever, use their full allocation on any station". Interlocutors from political parties confirmed that trend to the EAM.

³² Vince Carlin, Ombudsman (English Services) and Renaud Gilbert, Ombudsman (French Services) CBC/Radio-Canada, 5 January 2006.

³³ Independent candidates are not entitled to free or guaranteed paid time.

³⁴ Two thirds of the time is allocated according to the following criteria, based on last general election: percentage of seats held by each party, percentage of the popular vote, and number of candidates. The Broadcasting Arbitrator used his discretionary authority under the Act to modify the apportionment formula by equally distributing one third of the allocated time among registered parties.

³⁵ EC 94338 (09/05)

Allocation of free time follows the same pattern as for paid time, as it is formally linked to it by law, but the amount of free time is smaller and free airtime does not have to be granted during prime time. Furthermore, the obligation of providing free time only lies with networks, unlike arrangements for paid time which lies with broadcasters. As CTV lost its status of network in 2004, the only remaining network broadcasting in English is the CBC TV and Radio One, whereas the networks broadcasting in French are Radio Canada (TV and Radio Première chaîne), TVA, TQS and Réseau Corus Québec. Consequently, the balance³⁶ in the allotment of free time in French and in English may have been shifted.

The definition of prime time on radio is rather complicated³⁷ and may discourage political parties to use it, most of all smaller parties who already only have a small portion of free time. The EAM received reports that even free time on public radio was used in a limited fashion only.³⁸

The system would appear to favor more developed and traditional political parties, both in regard to paid and free time.

VIII. PARTICIPATION OF WOMEN

Canada was among the first countries to extend the right to vote to women³⁹. In the 2004 elections, 65 women were elected to the House of Commons, accounting for 21.1 per cent of its membership. In the appointed Senate, the proportion of women is higher, at 36 per cent.

In the 2006 general elections, the number of women elected to Parliament decreased slightly to 64, or 20.8 per cent of the members of the House of Commons. Of these, 14 were elected from the Conservative Party (11.3 per cent of the mandates won by the Conservatives), 21 represent the Liberal Party (20.4 per cent of the Liberal caucus), 16 for the Bloc Québécois (31.4 per cent), and 12 for the New Democratic Party (41.4 per cent). The proportion of female candidates nominated by political parties also varied significantly. Of the 1,634 candidates running in the elections, 380 (or 23.3 per cent) were women. Among the major parties, the share of women candidates was as follows: Conservative Party – 12.3 per cent, Liberal Party – 25.6 per cent, New Democratic Party – 35.1 per cent, Bloc Québécois – 30.7 per cent, and Green Party – 23.4 per cent.

According to interlocutors, three main factors contribute to women's representation in politics: (a) politics is a full-time job which is often difficult to reconcile with other obligations; (b) the election system makes it difficult for federal party leadership to increase the number of women candidates; and (c) insufficient efforts by many parties to attract more women to active politics. Some interlocutors stated that this is unlikely to change unless the electoral system is reformed. *Political parties could undertake further efforts to increase the participation of women in politics, especially as candidates in elections.*

³⁶ French-language networks have the obligation to provide a combined total of 62 minutes more free time than English-language media.

³⁷ Three slots of prime time during the day.

³⁸ In Québec.

³⁹ The 1921 general elections were the first in which Canadian women had active and passive suffrage.

Several NGOs, such as “Equal Voice”, a multi-partisan action group for the equal representation of women in politics, are trying to facilitate women’s involvement in politics. They use their influence and contacts with the media and political parties to advocate change, such as the introduction of a gender quota, affirmative action and electoral reform and to build awareness of the issue. Their initiative of creating and launching “Getting to the Gate”, an online virtual school designed to assist women with the political process, is unique and could serve as a model for other NGOs dealing with gender issues. *Political parties and civil society could develop concrete projects which would attract women candidates.*

Women were generally well represented in the election administration at all levels, especially at the polling-station level. At the federal level, the Deputy Chief Electoral Officer is a woman, as are several directors within Elections Canada.

IX. ABORIGINAL PEOPLES AND ETHNO-CULTURAL COMMUNITIES

In the 2001 census, people who identified themselves as aboriginal accounted for 3.3 per cent of the total population. This represents a total of 976,305 persons who identified themselves with one of the following groups:

- "North American Indian" or First Nations: Registered, status or treaty Indian refers to those who reported that they were registered under the *Indian Act of Canada*. Until 1960, these persons could vote in general elections only by renouncing Indian status.
- Métis, a term broadly used today to describe people with mixed First Nations and European ancestry who identify themselves as Métis.
- Inuit are the aboriginal people of Arctic Canada, in Nunavut, the Northwest Territory and northern parts of Labrador and Québec.

Aboriginal peoples have unique rights guaranteed under the Constitution Act of 1982. Important changes were made to Canada's Indian Act in June 1985, when Parliament passed Bill C-31 and brought the Act in line with the provisions of the Canadian Charter of Rights and Freedoms.

Partly due to historical factors, aboriginal voter turnout is far below the Canadian average, about 48% in the 2000 general elections. While visiting the Mohawk reserve of Khanawake in Québec, the EAM was told that although Mohawk people were registered and received voter information cards, the Mohawk community did not want to participate in the poll which it regarded as a threat to their unique rights, autonomy and goal of self governance. The Mohawk community does not want to give what they consider to be unwarranted legitimacy to non-native government. This *de facto* self-denial of Canadian citizenship voting rights would appear to be a minority position. Mr. Phil Fontaine, the National Chief and Head of the Assembly of First Nations, officially called upon the aboriginal population to cast their votes in a slogan “You are First Nations, and your vote counts!”

Since 1990, Elections Canada has implemented several initiatives to make the federal

electoral process more accessible to First Nations, Métis, and Inuit voters. The Chief Electoral Officer consults and maintains regular contact with representatives of national and regional Aboriginal organizations. Several programs aimed at disseminating information and encouraging aboriginals to exercise their right to vote were implemented prior to this election.

Statistics on the ethnic background of candidates are not available, but the preliminary results⁴⁰, indicate five representatives of aboriginal populations were elected.⁴¹ Several Arctic Members of Parliament retained their seats, including Nancy Karetak-Lindell in Nunavut and Todd Russell in Newfoundland and Labrador, both Liberals, while Dennis Bevington of the NDP won a seat in the Western Arctic constituency.

Ethno-cultural communities called 'visible minorities' are defined by the Employment Equity Act as "persons, other than aboriginal people, who are non-Caucasian in race or non-white in colour". In the 2001 census, around four million individuals identified themselves as visible minorities, accounting for 13.4 per cent of the total population. Some constituencies have more naturalized citizens than those born in Canada. These communities are of significant importance to political parties and most of them have adopted specific campaigning strategies to target this electorate. Several representatives of such communities ran in the elections and were elected, including representatives of Chinese, Pakistani, Indian, Haitian, Latin American and African communities.

In addition, in recent years, Canada has accepted almost 250,000 newcomers a year, many of whom increased Canada's culture and ethnic diversity. These new immigrants continue to change the face and character of "traditional" Canadian identity.

Elections Canada does not collect statistics on voting by ethno-cultural community, but Statistics Canada and groups that work with immigrants suggest that many immigrant groups vote in lower numbers than people who were born in Canada. Of its 10 million Canadian dollars budget for advertising, Elections Canada spent 750,000 Canadian dollars targeting people whose first language is not English or French. Print, radio and TV advertisements promoted the importance of voting and let people know how to get information in their mother language. The publication in 26 languages of a series of pamphlets on how to get registered and vote was part of this vast outreach effort aimed at promoting election participation among these communities.

X. YOUTH PARTICIPATION

Young voters appear to be among the least active groups of voters in Canada. In the 2000 general elections, turnout among 18–20-year-olds was only 22.4 per cent, while among voters over the age of 58 it exceeded 80 per cent. Low turnout among young voters is generally attributed to lack of interest in politics, insufficient efforts by political parties to attract young voters, and possible registration problems. Parties and candidates appeared to make few efforts to engage youth, and few young people ran as candidates in the elections.

⁴⁰ This is preliminary information and might be incomplete as Elections Canada does not provide information on candidate's background.

⁴¹ Information received from Chief Electoral Officer Jean Pierre Kingsley on 25 January 2006.

Recently, Elections Canada has initiated a number of targeted efforts to increase turnout among young people. Elections Canada published special educational and informational materials, maintained a special section at their Website, conducted a National Forum on Youth Voting, sent birthday cards to citizens who turned 18, congratulating them on attaining the right to vote and encouraging them to register, and updated the register of voters using data from various sources, including the driver's license database.

Several NGOs also tried to involve the youth in the voting process, employing innovative approaches such as an on-line survey, free music downloads and educational tools, and mock elections in schools. Pre-election polls suggest that the consolidated efforts of the electoral authorities and NGOs, as well as media campaigns, have slightly changed the youth attitude toward voting, thereby increasing their voting on election day.

XI. VOTING

Canadian voters can vote at any time from the moment an election is called. Apart from election day, a limited number of polling stations function during advance voting, which takes place ten, nine and seven days before election day. Outside regular and advance voting days, voters can vote by special ballot, either at Returning Offices or by mail. Before the nomination of candidates is completed, voters use write-in ballots to indicate the candidate of their choice.

Polling was conducted in 66,171 regular and advance voting polling stations and appeared to be well organized and smooth. In the urban areas visited by the EAM, most of the polling centers were multiple polling sites, containing between four and fourteen polling stations. Typically these centers had a Central Poll Supervisor (CPS), a registration officer, an information officer, and a person responsible for maintaining order, in addition to the two staff assigned to each polling station within it. This additional layer of support at the poll presented advantages through permanent supervision by the CPS of the work of the polling officers and advice and help to teams without experience, as well as the ability to keep the relevant Returning Officer well informed on any problem. However, none of these staff can relieve the Deputy Returning Officer or the Poll Clerk – if one needs to leave their post the poll is effectively closed until they return. *Consideration should be given to examining the prescribed duties of Deputy Returning Officers and Poll clerks to ensure that staff can take breaks and attend to personal needs without disrupting the poll.*

In addition, in some cases where the operational space was limited, it was difficult to conduct both registration and voting. Counting appeared to be difficult in small spaces due to the concomitant reading of the content of the ballots. It is suggested that Returning Officers should consider more non-traditional polling locations, especially in busy central city areas, as well as the deployment of additional staff during voting hours that have been busy in past elections. Additional space for registration officers needs to be taken in account when planning for the number of polling tables in one location, given that registration takes more time than voting.

Central polling places were usually located in public buildings such as schools and community centers, but also in churches or private housing premises rented by Elections

Canada. Commendably, in accordance with the legislation, level access to the polling places was secured or, where such access was not available, the possibility for mobile voting was provided. Efforts were made to provide interpretation for voters with limited knowledge of the official languages by appointing appropriate election officers or inviting volunteers representing the relevant minority to assist in this regard. *Consideration should be given to undertaking further efforts to recruit members of aboriginal populations and ethno-cultural minorities as poll workers in polls with a concentration of such groups.*

On election day, polling stations throughout the country were open for 12 hours. Due to the geographic spread of the country over six time zones, the Canada Elections Act provides for different voting hours in constituencies located in different time zones. The staggered voting hours reduced the maximal difference among the closing times in different constituencies to three hours and eased the observance of the blackout period for publication and transmission of preliminary results before the overall close of the poll.

The voting procedures were respected in general, although not always very methodically, especially when the DRO and the PC appeared to be inexperienced. In particular, in most of those polling stations visited, the DROs did not check the serial number on the ballot against the number on the stub before removing the counterfoil from the ballot. Since the counterfoils were also not checked against the stubs during the count, the concept of having numbered counterfoils as a safeguard against possible 'carousel voting' appeared to become meaningless. Furthermore, it is generally problematic if election officials handle marked ballots before they are deposited in the ballot box, as is the case when the counterfoil is removed. *Consideration should be given to re-examine the system of numbered counterfoils. If it is retained, it is recommended to consider that the law be amended to provide for removal of the counterfoil by the voter.*

Voters were overall treated with respect and attention. Despite the intense campaign for timely registration of voters conducted by Elections Canada, a considerable number of voters preferred to use the last possibility and registered on election day. This could have created some difficulties in polling places with only one polling station, where no registration officer was available and the PC had to handle election-day registration.

XII. COUNTING AND TABULATION

In accordance with the Canada Elections Act, up to two representatives of each candidate who are present in the polling station at the close of the poll were allowed to be present during the count. If no candidate representatives are present, where possible, two volunteer voters are invited to witness the process. Extra tally sheets were provided for anyone present during the count, thus offering all interested parties the possibility to exercise an oversight. The candidates' representatives present for the count are offered the chance to sign the Statement of the Vote, which contains all important information on the results of the vote in a polling station.

The initial tabulation of the results in each constituency was made by the relevant RO, based on the information on the results in each regular and advance polling station, transmitted by

phone by the relevant DROs, as well as on the results of the count of the special ballots in the RO offices and at Elections Canada.

Elections Canada should be commended for the organization of the tabulation process and for the prompt publication of preliminary results once they were available after the expiry of the blackout period. Shortly after midnight Eastern Time, within just over two hours after the close of the poll in the last polling stations on the Pacific coast, the preliminary results of the vote were available to the public. Results were posted on the Elections Canada Website and released to the media; however, there was no breakdown by polling stations. According to Elections Canada, these detailed results would be made available within some three months from election day. *In order to further enhance the transparency of the process, it is recommended that Elections Canada publish preliminary election results by polling station as soon as they have been processed, and official results once the results have been validated by the Returning Officers.*

XIII. COMPLAINTS AND APPEALS

Election results may be challenged by a candidate or voter by filing an application with a competent court. An application can be based on the grounds that the elected candidate was not eligible to be a candidate or the occurrence of possible irregularities, fraud, or corrupt or illegal practices that could have affected the result of the election.⁴² An application may not be made on the grounds for which a recount could have been requested. The deadline for filing a application, based on possible irregularity, fraud, or corrupt or illegal practices, is 30 days after the later of (a) the day on which the result of the contested election is published in the *Canada Gazette* and (b) the day on which the applicant first knew or should have known of the occurrence of the alleged irregularity, fraud, or corrupt or illegal practice. The application must be served on the Attorney General of Canada, Chief Electoral Officer, and Returning Officer for the constituency, and all candidates in the electoral constituency. These individuals have 15 days after service to file with the court a notice of appearance and wish to take part in the proceedings. An application must be accompanied by a security for costs in the amount of 1,000 Canadian dollars, which, if the court deems it necessary, may increase to a greater amount.

An appeal of the court's decision on an application lies to the Supreme Court of Canada. An appeal can raise any question of law or fact. The deadline for an appeal is eight days after the decision was given. The law requires the Supreme Court to hear the appeal "without delay and in a summary manner".

The filing of an application to challenge the validity of election results appears to be rare. Two applications were filed after the June 2004 elections. Neither application was successful. Although the costs of the security and risk of incurring liability for payment of attorney's fees may be a factor discouraging the filing of applications, none of the political parties expressed discontent with the legal process for challenging election results.

⁴² Additionally, Section 523 of the *Canada Elections Act* states that the election of a person who was not eligible to be a candidate is "null and void".

XIV. RESULTS

Voter turnout, as officially reported on election night was 64.9 per cent. A total of 14,815,680 voters, out of 22,812,683 registered voters, cast their ballots (see below).⁴³

Only the result of the election in the constituency of Parry Sound-Muskoka (Ontario) was subject to an obligatory judicial recount, as after the validation of the results the difference of the votes obtained by the two leading candidates was only 29 (initially 21) votes, *i.e.* less than 1/1000 of the number of votes cast, the threshold which triggers an obligatory recount.

The OSCE/ODIHR noted the high level of confidence, transparency and accountability throughout the electoral process.

Party	Party standing	%	Popular Vote	%
AACEV Party of Canada	0	0.0	72	0.0
Bloc Québécois	51	16.6	1,552,043	10.5
Canadian Action	0	0.0	6,201	0.0
Christian Heritage Party	0	0.0	28,279	0.2
Communist	0	0.0	3,127	0.0
Conservative	124	40.3	5,370,903	36.3
FPNP	0	0.0	1,340	0.0
Green Party	0	0.0	665,940	4.5
Liberal	103	33.4	4,477,217	30.2
Libertarian	0	0.0	3,003	0.0
Marijuana Party	0	0.0	9,275	0.06
Marxist-Leninist	0	0.0	9,289	0.06
NDP	29	9.4	2,590,808	17.5
PC Party	0	0.0	14,446	0.1
WBP	0	0.0	1,094	0.0
Independent	1	0.3	77,438	0.5
No Affiliation	0	0.0	5,205	0.0
Total number of valid votes:			14,815,680	

The OSCE/ODIHR EAM was facilitated through the assistance of the Ministry for Foreign Affairs and Elections Canada.

⁴³ The real turnout was lower as the indicated number of registered voters did not include the voters who registered on election day.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).