

## **TERMS OF REFERENCE**

### **Legal Analyst, Limited Election Observation Mission (LEOM)**

#### **Background**

The 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.

#### **Objective**

Under the guidance of the Head of the ODIHR Limited Election Observation Missions (LEOM) and in close coordination with the Deputy Head, the Legal Analyst of the ODIHR LEOM assesses the extent to which the national legislation and its implementation comply with OSCE commitments and other international standards for democratic elections.

#### **Main tasks**

The main tasks will include:

##### **Legal Expertise**

- Become familiar with the ODIHR Election Observation Handbook, ODIHR “Guidelines on Resolving Election Disputes”, “Guidelines to Assist National Minority Participation in the Electoral Process”, “ODIHR Report on Existing Commitments for Democratic Elections in OSCE Participating States”, “Guidelines for Reviewing a Legal Framework for Elections” and “Handbook for Monitoring Women's Participation in Elections”;
- 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.)

##### **Legal Issues**

- Follow all election-related disputes, complaints, court cases, and appeals.
- Review and report on election related court cases throughout the election period;
- Attend relevant meetings, particularly court meetings and meetings of the national election authorities and report as required;
- 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 as requested by the Head or his/her deputy;
- Provide advice to the Head of LEOM on any legal issues as required;

##### **Supporting Role**

- Liaise with LTO Co-ordinator to follow-up on complaints through long-term observers;
- Work closely with the LTO-Coordinator to ensure that LTOs are provided guidance to effectively observe the work of local courts;
- Participate in briefings for seconded and parliamentary observers, and diplomats as required;
- Fully support the activity of international long-term and short-term observers during the course of their work; respond to their inquiries and follow up on their observations with the relevant authorities;
- Support the activity of the mission and of the international observers in any other aspect that is required;

##### **Gender Issues**

- Analyze women's participation in the elections in your area of responsibilities whenever the LEOM core team does not include a dedicated analyst for women's participation in the electoral process. When the LEOM core team includes a gender analyst, assist him/her to collect information on women's participation in your area of responsibilities.

#### National Minority Issues

- Analyze national minorities' participation in the elections in your area of responsibilities whenever the LEOM core team does not include a dedicated analyst for national minorities' participation in the electoral process. When the LEOM core team includes such analyst, assist him/her to collect information on national minorities' participation in your area of responsibilities.

#### Reporting

- Prepare reports on legal issues as requested by the Head or his/her deputy;
- Contribute to the preparation of interim reports
- Contribute to the preparation of the Preliminary Findings and Conclusions;
- Prepare an analytical report including recommendations for the Head of LEOM about the election related legal framework for inclusion in the final report before leaving the mission area; and
- Remain available for consultation (phone or email) until the ODIHR Final Report is published.

#### Education and Experience

- Advanced university degree in international human rights law, or related field with strong knowledge of election laws
- Two to three 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 analytical and drafting skills
- Demonstrated ability to work under pressure in a sensitive political environment.
- Demonstrated ability to work as a member of a team composed of individuals of different cultural and political backgrounds, while maintaining impartiality and objectivity.
- PC 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 languages is an asset.

#### Deliverables

- Legal section of Draft Interim Reports, Draft Preliminary Findings and Conclusions ("Preliminary Statement"), Draft Final Report and LTO Guidebook.