



Office for Democratic Institutions and Human Rights

**OSCE HUMAN DIMENSION SEMINAR
ON
ELECTION PROCESSES**



**CONSOLIDATED SUMMARY
(REVISED VERSION)**

Warsaw, 29 – 31 May 2001

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	CHAIR’S CONCLUSIONS	2
III.	AGENDA	6
IV.	TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES	6
V.	PARTICIPATION	6
VI.	SUMMARY OF PROCEEDINGS	7
VII.	RAPPORTEUR’S REPORTS	11
	<i>Working Group I: “Looking Back to Move Ahead”</i>	<i>11</i>
	<i>Working Group II: “Democratic Elections, Rule of Law and Good Governance”</i>	<i>13</i>
	<i>Working Group III: “Election Processes and Stability”</i>	<i>15</i>
	<i>Working Group IV: “Elections and Fundamental Freedoms of Expression, Association and Assembly”</i>	<i>16</i>
	<i>Working Group V: “ODIHR’s Observation Methodology and Technical Assistance Program”</i> .	<i>17</i>
VIII.	RECOMMENDATIONS FROM SIDE MEETINGS	21
	<i>SIDE MEETING ON “PROMOTING WOMEN’S PARTICIPATION IN POLITICS IN THE OSCE REGION BY INTEGRATING GENDER IN ELECTION OBSERVATION”</i>	<i>21</i>
	<i>SIDE MEETING ON “THE RIGHT TO PARTICIPATE IN ELECTION PROCESSES: THE ROLE OF ROMA AND SINTI”</i>	<i>22</i>
ANNEX I.	INDEX OF DOCUMENTS DISTRIBUTED DURING THE SEMINAR	24

**OSCE HUMAN DIMENSION SEMINAR
ON ELECTION PROCESSES
WARSAW, 29 – 31 MAY 2001**

**CONSOLIDATED SUMMARY
(REVISED VERSION)**

I. INTRODUCTION

The Human Dimension Seminar on Election Processes was held in Warsaw on 29 – 31 May 2001. The Seminar was organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with the Romanian Chairmanship-in-Office of the OSCE.

The Seminar was the seventeenth in a series of specialised Human Dimension Seminars organized by the ODIHR in accordance with the decision of the CSCE Follow-up Meetings in Helsinki in 1992 and Budapest in 1994. The previous Seminars were devoted to: Tolerance (November 1992), Migration, including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues: Positive Results (May 1993), Free Media (November 1993), Migrant Workers (March 1994), Local Democracy (May 1994), Roma in the CSCE Region (September 1994), Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995), Drafting of Human Rights Legislation (September 1995), Rule of Law (November/December 1995), Constitutional, Legal and Administrative Aspects of the Freedom of Religion (April 1996), Administration and Observation of Elections (April 1997), The Promotion of Women's Participation in Society (October 1997), Ombudsman and National Human Rights Protection Institutions (May 1998), Human Rights: the Role of Field Missions (April 1999), and Children and Armed Conflict (May 2000).

The Human Dimension Seminar on Election Processes reviewed existing and new challenges for democratic development in the OSCE region, assessing the lessons learned during the past decade's experience, including OSCE's involvement in the promotion of democratic governance in the OSCE region through technical assistance and electoral observation in accordance with the 1990 Copenhagen Document of the Conference on the Human Dimension of the CSCE, the effectiveness of such involvement, and possible adjustments for the period ahead, in particular in the area of follow-up to observation missions and capacity-building. The Seminar also explored the correlation of democratic elections, the rule of law, and good governance with economic development; electoral events and stability; and elections and the fundamental freedoms of expression, association and assembly.

The meeting was not mandated to produce a negotiated text. At the closing plenary session, the Chairman presented the main conclusions and recommendations of the Seminar, which are included in Section II of this report. A summary report prepared by the rapporteurs of the five working groups was also presented at the final

plenary session of the Seminar and it is reflected in Section VII of this report. In addition, the recommendations issued after informal meetings on “Promoting women’s participation in politics in the OSCE region by gender integration in election observation” and on “The right to participate in election processes: the role of Roma and Sinti” were presented during the closing session and are included in Section VIII of this report.

II. CHAIR’S CONCLUSIONS

The Director of the ODIHR, Ambassador Gérard Stoudmann, acting as Chairman of the Human Dimension Seminar on Election Processes, addressed the closing plenary session and presented a summary of the conclusions and recommendations issued by the participants in the various Working Groups. The Chairman thanked all participants, in particular the keynote speakers, moderators, rapporteurs and introducers for their contribution to the discussions. In addition, the Chairman underlined the broad range of issues covered throughout the Seminar, as well as the large number of participants and the level of discussion, which demonstrated that the topic of the Seminar was interesting, timely and relevant.

The Chairman summarised the conclusions and recommendations reached by the participants, stressing the existing need to explore ways to follow up such recommendations.

1. Follow up to Election Observation Missions

The Chairman underlined that there was a broad agreement on the need to improve the political follow up to the reports and recommendations issued by ODIHR Election Observation Missions. This follow up would be in line with the commitment reached at the OSCE Istanbul Summit stating that participating States “agree to follow up promptly ODIHR’s election assessments and recommendations” and would enhance the full potential of the observation effort.

Recommendations:

- The meetings of the OSCE Permanent Council could include periodically (three to six months interval) a special agenda item on follow up to Election Observation Missions;
- The ODIHR would report periodically to the OSCE Permanent Council on the progress or lack thereof on recommendations included in its election observation reports;
- Other means to follow up should be explored.

2. ODIHR links with international financial institutions and the business community

In the context of exploring means and ways to ensure an effective follow up to ODIHR Election Observation Missions, the Chairman underlined the conclusion of the Seminar on the need to strengthen the links between the ODIHR and international financial institutions as well as the multi-national business community. This approach is appropriate because the deficit of democracy and good governance, exemplified on occasion by elections that fail to meet international standards, is not conducive for economic development and does not create a general environment favourable to business and investment.

Recommendations:

- The existing links between the ODIHR and international financial institutions should be enhanced and expanded to include the multi-national business community;
- The ODIHR could serve in an advisory capacity to the institutions assessing the democratic development of a State within the context of economic development assistance;
- The ODIHR could improve its outreach by giving broader exposure to its work product and expertise;
- The ODIHR could establish contacts with risk management organizations that could in turn alert the multi-national business community.

3. Elections and stability

The Chairman stressed that participants recognised the inseparable link between stability and democratic development, which includes the regular holding of democratic elections, one of the pillars of OSCE commitments. In this context, participants at the Seminar underlined that timely elections organized in accordance with international standards can foster stability. Participants also welcomed as a valuable contribution the recent publication of the ODIHR Guidelines to Assist National Minority Participation in the Electoral Process, based on the High Commissioner on National Minorities' (HCNM) Lund Recommendations and developed in collaboration with the Office of the HCNM and the International Institute for Democracy and Electoral Assistance (International IDEA).

The notion of "constituent peoples or nation" and its historical background was discussed, in particular in the context of South-Eastern Europe. There was a broad consensus that the limited concept of "constituent peoples or nations" should be replaced by other concepts accepted in international law, such as the notion of "national minorities".

Recommendations:

- Election processes must provide equal opportunities for all groups in society to participate, as candidates or voters, otherwise elections can be a source of instability and conflict;
- The well being of national minorities should go beyond elections and election laws: in a top down approach, minorities should be “taken care of” and “nurtured”;
- Participants endorsed the approach of the ODIHR to expand its election observation methodology to include the issue of minority participation.

4. Non-Partisan Domestic Observation

The Chairman emphasised that all participants of the Seminar acknowledged the important role of non-partisan domestic observation organizations. At the same time, concern was expressed about the increasing level of difficulties that these organizations face in some participating States to operate effectively. In some States, legal, administrative and other obstacles make their work difficult or even risky. Participants welcomed the ODIHR initiative to develop guidelines to assist the work of non-partisan domestic observation organizations and to ensure that their activities enjoy a higher level of credibility.

Recommendations:

- Participants of the Seminar cautioned Governments not to abuse the guidelines to be developed by the ODIHR and not to transform them into a straight jacket to restrict the scope and objectives of the activities of such organizations;
- Participants strongly urged the ODIHR to present a periodic report to the OSCE Permanent Council on the status, activities and difficulties experienced by domestic observation organizations. The report could be an item of discussion at the OSCE Permanent Council;
- ODIHR was urged to organize a regular forum for domestic observation organizations to share their experiences and network.

5. ODIHR Methodology for Election Observation

The Chairman reminded that participants noted the erosion of human rights and fundamental freedoms occurring in a number of participating States. In particular, this erosion affects the areas of freedom of expression, association and assembly, with direct consequences on election processes. Also, the weakness or absence of the rule of law has a severe impact on elections, not just during a given election, but also before and after an election campaign period. Participants endorsed the three-tiered ODIHR observation methodology. In addition, the ODIHR expanded methodology to include the monitoring of gender balance and participation in elections was welcomed.

Recommendations:

- The ODIHR should include a broader perspective concerning the respect of human rights and fundamental freedoms, and in particular freedom of expression, association and assembly, in its election observation reports and its follow up work, according to the mandate already entrusted to the institution;
- The ODIHR should develop guidelines on media monitoring and, where possible, include the OSCE Representative on Freedom of the Media in its assessment missions;
- Participants urged the ODIHR to promote its work on monitoring gender balance and women's participation in election processes. In this context, it was recommended that the ODIHR finds the necessary financial resources to build on the initial work that has already been developed;
- Participants strongly supported the ODIHR proposal for the creation of a voluntary fund to support the participation of election experts and observers from developing democracies in ODIHR election observation missions;
- ODIHR was urged to pay more attention to regional and local government elections as, at times, they might be better indicators of the state of democratic development in a given State;
- The proposal of the Russian Federation for the ODIHR to engage in a comparative analysis of election legislation of the participating States, was noted. The ODIHR has already published Guidelines for best practices in election legislation drawn from election legislation across the OSCE region as a first contribution in this area. As a next step and depending on the availability of resources, the ODIHR could look into comparative election legislation beginning with selected areas of significant importance for ensuring a democratic electoral environment.

6. OSCE Commitments related to election processes

Participants agreed that, since the adoption of the Copenhagen Document in 1990, the OSCE has gained a rich experience in the field of elections.

Recommendations:

- The OSCE should consider expanding its existing body of election commitments, so that they reflect the developments since 1990 in the OSCE region and so that they take into account Council of Europe standards and case law;
- In particular, participants strongly suggested to expand and strengthen the OSCE commitments related to the rights of domestic observers.

III. AGENDA

1. Opening of the Seminar
2. Plenary session: keynote speeches
3. Discussions in five Working Groups
4. Closing plenary session: rapporteurs' summaries from Working Groups, Seminar Chair's Conclusions
5. Summing up and closure of the Seminar

IV. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES

1. The Seminar was opened on Tuesday 29 May 2001 at 15.00 hrs. It was closed on Thursday 31 May 2001 at 18.00 hrs.
2. All plenary and working group sessions were open to all participants.
3. The closing plenary session, on the afternoon of the 31 May, focused on practical recommendations emerging from the five Working Group sessions.
4. The Plenary and Working Group meetings took place in accordance to the Work Program.
5. Ambassador Gérard Stoudmann, Director of the ODIHR, and Mr. Peter Eicher, First Deputy Director of the ODIHR, chaired the plenary sessions.
6. Standard OSCE rules of procedure and working methods were applied at the Seminar.
7. Discussions were interpreted into all six working languages of the OSCE.

V. PARTICIPATION

The Seminar was attended by a total of 259 participants. Representatives of 45 participating States of the OSCE took part. The delegations of six Partners for Co-operation (Egypt, Israel, Jordan, Tunisia, Korea and Thailand) were also present.

In addition, seven international organizations were represented: Council of Europe, International IDEA, International Organization for Migration, Organization for Economic Co-operation and Development (OECD), UNESCO, United Nations

Electoral Assistance Division and the United Nations High Commissioner for Human Rights.

At the Seminar, 76 representatives of 63 non-governmental organizations were present.

VI. SUMMARY OF PROCEEDINGS

The Seminar was opened by the Director of the ODIHR, Ambassador Gérard Stoudmann. Welcoming remarks were presented by Mr. Jan Kacprzak, Acting Chairman of the National Electoral Commission of Poland.

The following keynote speakers addressed the opening plenary session:¹

Mr. Alexander Veshnyakov, Chairman of the Central Election Commission of the Russian Federation;

Dr. Jorge Braga de Macedo, President of the OECD Development Centre;

Mr. David Mason, Vice Chairman of the US Federal Election Commission;

Mr. Patrick Bradley, former Chief Election Officer for Northern Ireland.

Four national delegations, one international organization and four non-governmental organizations made opening statements.

During the Seminar, five Working Groups met. The topics were divided as follows:

Working Group I: Looking Back to Move Ahead

Topics included:

- A brief review of the 10-year involvement of the OSCE Office for Free Elections-ODIHR in electoral processes, lessons learned, and improvements required.
- The significant effort expended during the past years to improve the legislative framework for electoral processes, through technical assistance;
- The OSCE driven effort to reverse, in particular in South-East Europe, the declining participation of women in electoral processes during a period of

¹ Copies of the keynote speeches delivered at the plenary opening session are available at the ODIHR office in Warsaw upon request.

transition and the impact that this effort has had in the democratisation process in general;

- The existing challenges to democratic electoral processes throughout the OSCE participating States and best practices, responses, and follow-up to existing efforts;
- The role of parliamentarians in election observation missions, in particular that of the OSCE Parliamentary Assembly.

Working Group II: Democratic Elections, Rule of Law and Good Governance

Topics included:

- The correlation of democratic elections, rule of law and good governance on the one hand, and economic development on the other;
- The benefits of promoting greater public participation and transparency supported in the electoral process through candidate and political party financial disclosure and conflict of interest regulations;
- The importance of public information campaigns and the support of investigative journalism to increase the responsiveness of public officials;
- Activities, ways and means to lower political risk and create an environment conducive for a wide variety of activities.

Working Group III: Election Processes and stability

Topics included:

- The role electoral events (elections and referenda) can have in preventing, mitigating, and resolving internal conflicts and in fostering stability;
- The possibility that electoral events can also be a source of instability if not conducted in accordance with international standards and if not timely;
- The more effective participation of national minorities in electoral processes as a whole;
- The ODIHR Guidelines to Assist National Minority Participation in the Electoral Process based on the High Commissioner on National Minorities' (HCNM) Lund Recommendations and developed in collaboration with the Office of the HCNM and the International Institute for Democracy and Electoral Assistance (International IDEA) were presented for discussion.

- The experience of OSCE-supervised (organised) elections in the Balkans and the lessons learned during the past five years.

Working Group IV: Elections and the fundamental freedoms of expression, association, and assembly

Topics included:

- The influence of the respect for human rights and fundamental freedoms, in particular the freedoms of expression, association and assembly in electoral processes;
- The role, the rights and responsibilities of the media during election processes;
- The rights, obligations, and the role of political parties and ways to strengthen their constructive participation in electoral processes.

Working Group V: ODIHR's Observation Methodology and Technical Assistance Program

Topics included:

- The introduction of a three-tiered approach (full observation, technical or limited assessment, or no presence) in the ODIHR comprehensive observation methodology addressing developments before, during and after electoral processes, and the inclusion of other areas of inquiry such as gender and national minorities;
- The expanded activities of the ODIHR in pre-election monitoring and technical assistance, including capacity-building and follow-up to observation missions;
- Improved follow-up to election observation missions in accordance with the Istanbul Summit Declaration paragraph 25 and enhanced co-operation with other actors in the field;
- The establishment of a voluntary fund to make possible an increased participation of experts from developing democracies in ODIHR observation missions;
- The interaction between international and domestic observers with the participation of some of the leading domestic observation organizations;
- the possibility of an eventual phase-out of international observation efforts and the transfer of more responsibilities to domestic observation groups;

- The role of parliamentarians in election observation missions and follow-up activities; in particular, the role of the OSCE Parliamentary Assembly in election observation missions under the co-operation agreement signed in 1997;
- The OSCE Gender Action Plan and the recent experience of a more balanced participation of women in electoral activities in some regions, in particular as candidates;
- The ODIHR practical Guidelines for Reviewing A Legal Framework for Elections, developed during the past year in collaboration with International IDEA;
- Ways to increase ODIHR's capacity-building activities, in particular in the areas of training and assisting election management officials, political parties, non-governmental organizations, and media representatives;
- Ways to improve the quality of observers by exploring training options together with other organizations;
- The possibility of regions outside the OSCE benefiting from the ODIHR observation methodology.

The closing plenary meeting was chaired by the Director of the ODIHR, who presented the Chair's Conclusions. In addition, the Rapporteurs summarised the topics and the recommendations issued by the Working Groups.

Keynote speeches were presented by the following speakers during the closing plenary session:²

Ambassador Constantin Ene, Personal Representative of the Chairman-in-Office of the OSCE;

Mr. Max van der Stoep, OSCE High Commissioner on National Minorities;

Mr. Angel Viñas, Director for Multilateral Relations and Human Rights, Directorate General External Relations, European Commission;

Mr. Kjell Engebretsen, Representative of the OSCE Parliamentary Assembly, Member of the Parliament of Norway.

During the closing plenary session, statements were made by three national delegations, two non-governmental organizations and one OSCE Field Mission.

² Copies of the speeches delivered at the closing session are available at the ODIHR office in Warsaw upon request.

VII. RAPPORTEUR'S REPORTS

Following the opening of the Seminar, discussions took place in five working groups. The first working group focused on lessons learned after ten years of OSCE involvement in election processes and ways to move forward; the second group was devoted to election and good governance; the third one concentrated on the link between election and stability; elections and fundamental freedoms were discussed in the fourth group. The last working session examined the ODIHR election observation methodology. The current report does not pretend to exhaustively reproduce the full content of the debates but rather concentrates on recommendations formulated in the working groups. These recommendations were not formally adopted by Seminar participants and do not necessarily reflect the views of any participating State.

Working Group I: "Looking Back to Move Ahead"

Moderator: Mr. Jean-Daniel Ruch, Deputy Head of the Mission of Switzerland in Belgrade, Federal Republic of Yugoslavia

Rapporteur: Ms. Tina Schøn, Research Co-ordinator, OSCE Parliamentary Assembly

Introducer: Mr. Hrair Balian, Head of the ODIHR Election Section

After ten years of the OSCE involvement in election processes, working group I tried to draw conclusions and lessons from previous OSCE experience in elections and ways to proceed for the years to come. Participants adopted a critical approach to assess the involvement of the international community in election processes in order to identify mistakes, shortcomings and missed opportunities. The working group aimed to build up on strengths and remedy weaknesses. Participants agreed on the crucial importance of election timing that should be carefully reviewed and considered before organising elections. They raised concerns on premature elections that could be counterproductive for the democratisation process and entail instability. Participants debated, *inter alia*, the OSCE experience in organising and supervising elections in the Balkans acknowledging the know-how accumulated by the OSCE in this field. They also reiterated the importance of Paragraph 25 of the 1999 Istanbul Charter for European Security and underlined the urgent need for a prompt follow-up on ODIHR election assessments and recommendations. A more continuous follow-up will enhance the impact of election observation missions.

Recommendations:

Timing of elections, especially in post-conflict situation – experiences from the Balkan region

- The OSCE should look carefully at the general situation in a given post-conflict society before engaging in the organization of elections, technical assistance projects or monitoring efforts.

- The OSCE should be more closely involved in the peace negotiation stage. Early needs assessment missions should be conducted in order to assess the best timing for first elections in post-conflict States.

Internally Displaced Persons (IDPs)

- The OSCE should address the political participation of IDPs more strongly.
- For local elections, the OSCE needs to consider the right of IDPs to elect and be elected in their local/original constituencies.
- The OSCE should focus on:
 - i. The right of IDPs to campaign on equal footing with other citizens;
 - ii. How and where IDPs should register and vote;
 - iii. The right of an elected IDP to return to his/her constituency or local office to carry out his/her duties.

Follow-up to ODIHR recommendations³

- Follow-up should be dealt with at the political level: the ODIHR should conduct regular follow-up assessments and periodically report to the OSCE Permanent Council to reflect progress or the lack thereof on the implementation of recommendations.
- The OSCE Permanent Council could report to the Ministerial Council or Summit on the progress in implementing democratic standards.
- Participating States should take a more active role in the implementation of ODIHR recommendations.
- The OSCE Parliamentarians should become more involved in follow-up to election observation missions.
- The ODIHR or/and OSCE field missions should improve their follow-up activities in establishing better co-operation and interactions with local actors such as domestic observer organizations, international organizations and international NGOs.
- The ODIHR should distribute election observation final reports more broadly, nationally and internationally.

³ This topic was discussed in different working groups and was subject to many recommendations summarised in this section.

Working Group II: “Democratic Elections, Rule of Law and Good Governance”
--

Moderator: Dr. Jorge Braga de Macedo, President of the OECD Development Centre

Rapporteur: Ms. Tina Schøn, Research Co-ordinator, OSCE Parliamentary Assembly

Introducer: Mr. Peter Eicher, First Deputy Director of the ODIHR

The link between good governance, economic and political development has become evident. Experience shows that democratic elections and stable political regimes are conducive to prosperous economies. By the same token, sustainable economic development and foreign investment are contingent on democratic and transparent institutions. There was a consensus on the fact that observation missions greatly enhance transparency. Financial institutions are increasingly looking into good governance, including conduct of elections, when elaborating a strategy for a given country. The ODIHR assessments are therefore valuable to these institutions with which co-operation has become indispensable. Participants expressed the view that conditionality should not be perceived as a threat but considered as a positive and constructive tool in promoting good governance and in encouraging the implementation of ODIHR recommendations. It was also acknowledged that the non-respect of the rule of law has negative impact on election processes. Divergent opinions were expressed on foreign financial aid to civic society, and financial limits set for political campaign.

Recommendations:

The need for consensus

- There is a need for building a mechanism for continuous consultation between the government and the electorate, including all groups in society – minorities, NGOs and women.
- The role of NGOs should be enhanced, especially in countries that are at the outset of their democratic transition.
- In this regard, technical assistance should concentrate on legislation related to registration of NGOs.
- The role of the OSCE Missions in assisting with the development of the civil society should be reinforced.

Transparency

- Transparency and good governance are closely intertwined. The OSCE should further promote freedom of the media since it is one of the key players in enhancing transparency.

- The role of domestic observers should be promoted by increasing training and funding. The neutrality and impartiality of domestic election observers must be guaranteed in order to increase credibility.
- OSCE participating States should grant observers the right to monitor election processes at all stages and at all levels.
- Detailed election results should be posted at all levels of electoral commissions in order to increase transparency.
- OSCE participating States should ensure public access to all election documents.

Threat of Corruption

- OSCE participating States should guarantee separation of powers and complete independence of the judiciary.
- OSCE participating States should guarantee full transparency in campaign funding available to candidates or political parties.
- International financial contributions to NGOs and specific governmental programs should not be prohibited but they should be disclosed to ensure a public control.
- Foreign funding to political actors should be duly regulated by law.

International Co-operation/Responsibility

- International institutions should reinforce their exchange of information.
- The ODIHR should distribute final election reports to private risk management institutions as well as to international financial institutions (OECD, EU, World Bank, EBRD) in order to increase the general level of information and to raise awareness on the work of the OSCE and ODIHR.
- The ODIHR as well as the OSCE Missions could participate in some crucial meetings of the World Bank and the EBRD and serve in an advisory capacity. The OSCE could try to persuade banks not to use double standards.

The use of conditionality – experiences from the EU

- Conditionality could give participating States an incentive to implement OSCE commitments and increase responsiveness to carry out ODIHR recommendations.
- The OSCE could apply the EU approach on conditionality based on respect for democratic principles, rule of law and minority rights.

- The OSCE should ensure that the principle of conditionality, when applied, does not affect civil society and humanitarian aid.

Working Group III: “Election Processes and Stability”

Moderator: Mr. Patrick Bradley, former Chief Election Officer for Northern Ireland

Rapporteur: Ms. Cristina Castanheta, Second Secretary, Permanent Delegation of Portugal to the OSCE

Introducer: Mr. John Packer, Representative of the Office of the OSCE High Commissioner on National Minorities

The discussion focused on the effective participation of minorities in election processes and on the role of elections in conflict reduction and resolution. There was a broad consensus that time has come to move beyond the concept of “constituent people or nation” and adhere to the concept of national minority. At the OSCE Summit in Istanbul, participating States committed themselves to secure the right to vote for national minorities. This commitment was strongly reiterated during the discussions. The relevance of the ODIHR Guidelines to Assist National Minority Participation in the Electoral Process based on the High Commissioner on National Minorities’ Lund Recommendations was underlined. It was acknowledged that democratic elections organised in accordance with international standards could foster stability. They have a role both in conflict prevention and in post-conflict reconciliation by encouraging interethnic relations.

Recommendations:

- OSCE participating States should choose electoral systems that maximise the representativity of the overall population rather than minimise it.
- Election processes must be inclusive and provide equal opportunities for all groups in society to participate, as candidates or voters, otherwise elections can be a source of instability and conflict.
- Provisions concerning candidate qualifications must be clear and must not discriminate against any segments of society.
- Participating States should ensure that an independent and impartial authority adjudicates promptly and effectively complaints relating to the election process.
- Where democratic governance has a relatively short tradition, the election legislation should contain confidence-building measures in order to strengthen candidates’ and voters’ confidence in the process. Such measures should include invitation for domestic and/or international

election observation, in compliance with article 8 of the 1990 Copenhagen Document.

- The well being of national minorities should go beyond elections and election laws: minorities should be “taken care of” and “nurtured”. This should be a top down approach.
- The ODIHR and field missions should reinforce their awareness campaign through an ongoing dialogue at popular level and distribution of booklets about human rights, including the rights of persons belonging to national minorities.

<p style="text-align: center;">Working Group IV: “Elections and Fundamental Freedoms of Expression, Association and Assembly”</p>
--

Moderator: Ms. Elisabeth Rasmusson, Independent Election Expert

Rapporteur: Mr. Nicolas Kaczorowski, ODIHR Election Officer

Introducer: Mr. Ian Gorvin, Head of the ODIHR Monitoring/Public Affairs Section

The working group examined the indispensable link between the respect for fundamental freedoms and the conduct of democratic elections. Participants agreed that freedom of expression, association and assembly are an integral part of the environment of democratic elections and should not be arbitrarily limited. Democratic elections can only be conducted if fundamental freedoms are fully respected setting a conducive environment for candidates and voters to express their views and choices. Some participants viewed the freedom of the media as the most fundamental freedom because the media can report on violations of other fundamental freedoms. The media is also an effective monitor of the election processes that are an important indicator of the state of human rights and fundamental freedoms in a given country. Participants raised concerns about increased restrictions on basic freedoms within parts of the OSCE region, especially before elections.

Recommendations:

A Continuous and Broader Monitoring

- The ODIHR should ensure a more continuous monitoring process and increase follow up activities.
- The ODIHR should use elections to make assessments about the state of the broader range of fundamental freedoms and propose follow up measures that address deficiencies in this broader sphere.
- Special attention should be given to the consolidation phase by means of a reinforcement of electoral assistance.

- The ODIHR should explain better its findings and recommendations to the authorities and to civil society.
- Participating States should promote education, awareness on political rights and active political participation.
- The ODIHR should expand the scope of its monitoring activities extending them to the broader human rights situation. Development of State and democratic institutions, as well as the rule of law, should be also taken into account in monitoring election processes.
- Election Observation Missions should monitor more closely appeals and complaints procedures after election day.

Freedom of Expression

- The Office of the Representative on Freedom of the Media could participate in ODIHR Needs Assessment Missions.
- The ODIHR should develop guidelines on media monitoring to ensure consistency in its assessments.
- The right of reply to accusations during election campaign should be guaranteed.

Freedom of Association and Assembly

- Political parties should be ensured participation in bodies organising elections.
- Every individual or political party whose registration has been denied should be given access to unhindered legal redress.
- The OSCE should focus on full financial disclosure of campaign financing of political parties, including foreign funding.
- Participating States should ensure that political parties can freely convey their political message to voters.

<p>Working Group V: “ODIHR’s Observation Methodology and Technical Assistance Program”</p>

Moderator: Mr. Gerald Mitchell, Senior Executive, International IDEA

Rapporteurs: Ms. Tina Schøn, Research Co-ordinator, OSCE Parliamentary Assembly
Mr. Nicolas Kaczorowski, ODIHR Election Officer

Introducers: Ambassador Gérard Stoudmann, Director of the ODIHR
Mr. Ron Gould, Assistant Chief Electoral Officer, Canada

A broad consensus emerged that the ODIHR observation methodology is not set in stone and should remain flexible, adaptable to changing situations and continuously improved. Participants looked at possibilities to refine the methodology and how to measure the impact of observation missions. Participants endorsed the three-tiered approach (full observation, technical or limited assessment, or no presence) as well as the integrated ODIHR methodology to include gender issues and minority representation in its election observation missions.

The role, rights and responsibilities of non-partisan domestic observers were largely discussed and the importance of their activities widely acknowledged. Participants welcomed the ODIHR initiative to develop guidelines in close co-operation with domestic observation organizations in order to assist their work and ensure a higher level of credibility. At the same time, concern was raised about the increasing obstacles hampering their work in certain OSCE countries.

The role that parliamentarians have in election observation missions due to their experience was reasserted during the Seminar. Participants noted progress in the co-ordination between the ODIHR and parliamentary assemblies. Participants also urged parliamentarians to improve their co-operation with the ODIHR observation missions in the field. As in other working groups, they expressed the urgent need to reinforce follow up to ODIHR recommendations.

Recommendations:

A more comprehensive, thorough and flexible approach

- The ODIHR should expand the methodology during the period preceding elections, especially by monitoring the registration of voters.
- The ODIHR should pay more attention to regional and local elections as sometimes better indicators of the state of democratic development.
- The ODIHR should consider an evaluation mechanism of election observation missions.
- A fourth tier could be explored whereby only domestic observers would be called to observe an election.

The Role and Rights/Responsibilities of Domestic Observers⁴

- Participating States expressed strong support for the role of domestic observer organizations that enhance transparency and foster stability.

⁴ The role and rights/responsibilities of domestic observers occupied a very prominent place in the discussions. Recommendations on this specific issue were formulated throughout the Seminar. However, to avoid repetitions we decided to incorporate them all under working group V.

- Article 8 of the 1990 Copenhagen Document relating to observers should be strengthened.
- International documents should contain a clear definition of the rights of observers.
- The OSCE should examine how to protect the rights of domestic observers to monitor election processes.
- A report on domestic observation should be considered by the OSCE Permanent Council.
- All OSCE participating States' election legislation should contain a provision on domestic observers.
- Domestic observers and their access to all election related activities and materials should be guaranteed.
- A clear distinction should be made between foreign funding directed to domestic observers and foreign funding to political parties.
- Co-operation between ODIHR and domestic observers should be reinforced while keeping separate reports on findings and conclusions.
- The ODIHR should expand the section of final election observation reports devoted to domestic observations groups.
- Findings and conclusions of domestic observers should be discussed at the OSCE Permanent Council.
- The OSCE could provide a forum for domestic observers to discuss the quality of elections within the OSCE region and the problem they face in countries.
- The ODIHR should supplement the guidelines on domestic observation with a code of conduct for domestic observers defining their responsibilities and rights.

Review of the OSCE commitments

- The OSCE should incorporate to the 1990 Copenhagen Document additional commitments on fundamental freedoms, internally displaced persons, follow up, implementation of ODIHR recommendations and non-partisan domestic observers.
- The OSCE should establish a mechanism to refine, clarify and strengthen the OSCE commitments.
- The ODIHR should set up a mechanism for a continuous review of the OSCE commitments.

Election Observers

- Election observation missions should comprise more observers from developing democracies.
- The ODIHR should create a voluntary fund to increase the participation of experts from developing democracies.
- The ODIHR should look into the possibility to strengthen the training of observers and improve briefings and de-briefings.
- Long-term observers should extend the duration of their observation and be re-deployed for a longer period after election day to examine, *inter alia*, the handling of complaints and appeals.

Inter-institutional Co-operation and Co-ordination

- The OSCE should seek to further increase co-ordination of the different international institutions in the field of election observation.
- Round tables could be organised to share and build on experience accumulated by international organizations.
- Co-operation between parliamentary institutions (Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly) and the ODIHR could be further improved.
- The importance of the role of parliamentarians in election observation missions was reasserted as well as the co-operation between all international organizations involved in election-related matters.
- The Parliamentary Assemblies of the OSCE and the Council of Europe could examine the possibility of elaborating a co-operation agreement.

- Following an election observation mission, OSCE participating States could share feedback from their national observers with the ODIHR so as to consider constructive criticisms.
- In co-operation with other international organizations, the ODIHR could conduct a thorough and comparative analysis on elections and electoral practices in all OSCE participating States to be submitted to the OSCE Human Dimension Implementation Meeting. Such analysis could also be considered by the OSCE Permanent Council to improve mechanisms for having OSCE commitments observed throughout the OSCE region.

VIII. RECOMMENDATIONS FROM SIDE MEETINGS

Side meeting on “Promoting women’s participation in politics in the OSCE region by integrating gender in election observation”

In the OSCE region, apart from Scandinavian countries, only 14% of the parliamentary representatives are women. Clearly, there is a gap in the representation of all sectors of society in the political process. Stronger mechanisms are needed by which women’s participation can be promoted. Until recently, this issue was largely unrecorded in the procedures of election observation. The OSCE is the first organization to look into the gender aspects of election observation, and has designed mechanisms to enable missions to integrate gender aspects in their work.

In the future, the ODIHR election observation reports will include quantitative gender specific information, especially on voters, representation of women in central and local government, election candidates, electoral authorities, and the incidence of family voting. In a qualitative sense, reports will contain analysis of the gender gap in participation rates, including barriers to women’s participation. Reports will contain comprehensive recommendations on how this gap in political representation can be addressed. The ODIHR intends to expand its observation procedures so as to ensure that gender issues are fully integrated in observation reports.

The following recommendations were formulated by the participants of the informal meeting on “Promoting women’s participation in politics in the OSCE region by integrating gender in election observation”, held during the Human Dimension Seminar on Election Processes:

- The ODIHR is encouraged to follow up this issue and invest in refining the mechanisms by which gender can be integrated in election observation. Particularly, training of observers is seen as necessary.
- The ODIHR should include gender focal points in all election observation missions. Governments should second female candidates for election observation missions, and statistics should be kept on women’s participation in these missions.

- Election observation missions should collect statistics on women candidates and women voters including registration and actual turnout.
- The ODIHR should also step up its technical assistance programs directing them to women's groups for lobbying and training on leadership and political participation. Governments and NGOs were encouraged to give ideas and make suggestions on technical assistance projects to encourage women to participate in elections.

Side meeting on "The right to participate in election processes: the role of Roma and Sinti"

The Roma population constitutes one of the most significant minority groups in Europe, with large concentrations in South-Eastern Europe. Widely dispersed across the continent and estimated to number between ten and twelve million, it shares the experience of exclusion and discrimination. In numerical terms, the Roma and Sinti groups constitute a significant electoral mass.

There is a huge disparity between the size of the Romani population and the number of elected Roma representatives at national and local levels. One major factor is the combination of appalling living conditions and low levels of education and awareness concerning electoral processes that have effectively excluded Roma from participation in public life.

The Romani participants of the Seminar agreed upon the following recommendations:

- The Parliamentary Assembly of the OSCE should organise a consultative conference to examine more effective ways to ensure adequate participation and representation of national minorities, especially Roma, in electoral processes. Among other, political parties running for parliamentary, local and national elections, may be persuaded to include in their lists, on eligible positions, candidates belonging to national minorities, including representatives of Roma communities.
- The Contact Point for Roma and Sinti Issues of the ODIHR should facilitate the exchange of experience between Roma, within the context of the Stability Pact program. Concerned Governments are requested to consider financial and technical support for activities such as: electoral training of Roma voters and of Roma candidates; secondment of Roma as members of election observation missions; follow up training and lobbying with elected representatives, including Roma elected officials.
- Special efforts should be made to organise civic education campaigns to ensure that Roma voters can make free and informed choices in elections, and devote special attention to the participation of women in this process.

- It is recommended that special efforts be made to guarantee the citizenship status of all Roma, to ensure that they are registered and entitled to vote in the polities where they reside.

ANNEX I. INDEX OF DOCUMENTS DISTRIBUTED DURING THE SEMINAR⁵

PARTICIPATING STATES

UNITED STATES OF AMERICA	2	1.	Speech by Mr. David M. Mason, Vice Chairman U.S. Federal Election Commission, Opening Plenary Session
	5	2.	Remarks by the Delegation of United States of America at the Opening Plenary Session
AZERBAIJAN	34	1.	Information by the Delegation of the Republic of Azerbaijan referring to the Statement in Support of Domestic Observers in the Republic of Azerbaijan
ROMANIA/ OSCE CHAIRMANSHIP	35	1.	Speech by Ambassador Constantin Ene at the Plenary Closing Session
RUSSIAN FEDERATION	3	1.	Statement by the Delegation of the Russian Federation on Improvement of Election Legislation
	4	2.	Speech by Mr. A. Veshnyakov, Chairman of the Central Election Commission of the Russian Federation, Opening Plenary Session
	26	3.	Contribution to Working Group V
SWEDEN/ EUROPEAN UNION	10	1.	EU Introductory Statement
SWITZERLAND	19	1.	Statement of the representative of Switzerland to the Opening Plenary Session.
	32	2.	Summary of Remarks made during the Working Groups by the representative of Switzerland

⁵ Please note that the first number appearing on the list refers to the registration number under which the documents were distributed during the Seminar.

PARTNERS FOR CO-OPERATION

THAILAND	20	1.	Remarks by the representative of Thailand
-----------------	----	----	---

INTERNATIONAL ORGANIZATIONS

Organization for Economic Co-operation and Development

- 21 1. Globalisation and Governance: a Development Perspective, keynote address by Dr. Jorge Braga de Macedo

United Nations High Commissioner for Human Rights

- 30 1. Human Rights and Elections, a Handbook on the Legal, Technical and Human Rights Aspects of Elections

European Commission

- 24 1. Report on the Communication from the Commission on EU Election Assistance and Observation
25 2. Communication from the Commission on EU Election Assistance and Observation

OSCE INSTITUTIONS

ODIHR

- 9 1. Leaflet on the OSCE Conference on Roma and Sinti Affairs, provided by CPRSI
12 2. Report on "Promoting Women's Participation in Politics in the OSCE Region by Gender Integration in Election Observation"
14 3. Introductory Statement in Working Group 4 by Mr. Ian Gorvin, Head of the ODIHR Monitoring/Public Affairs Section
17 4. Informal Reports Overview of the Debates and Recommendations from the Workshop on Romani Political Participation - Meeting of Romani Parliamentarians and Elected Officials
28 5. Introductory Remarks by Ambassador Gérard Stoudmann, Opening Plenary Session
31 6. List of Participants

Office of the OSCE Co-ordinator on Economic and Environmental Activities

- 18 1. Presentation by Ms. Helen Santiago Fink at Working Group 2: Good Governance and Economic Development

OSCE High Commissioner on National Minorities

- 23 1. Introductory remarks by Mr. John Packer to Working Group III:
Election Processes and Stability
- 27 2. Speech by Mr. Max van der Stoel on Accommodating Minorities
through Democratic Governance, Closing Plenary Session

OSCE Advisory and Monitoring Group in Belarus

- 16 1. Statement by Ambassador Hans-Georg Wieck on the Role of Domestic
Election Observers

OSCE Mission to Bosnia and Herzegovina

- 8 1. Report by Ms. Francesca Binda: ODIHR Guidelines to Assist National
Minority Participation in the Electoral Process: the Bosnia and
Herzegovina Experience

OSCE Mission to Croatia

- 15 1. Speech by Ambassador Bernard Poncet on the role of the OSCE
Mission to Croatia in support of the election process

OSCE Mission in Kosovo

11. 1. Written Contribution on the Electoral Processes and Stability in Post
Conflict Societies: The Ongoing Experience of Kosovo/Federal
Republic of Yugoslavia

OSCE Mission to Tajikistan

- 33 1. Written Contribution on the Significance of Elections in Post-conflict
Areas - the Tajik Example

NON-GOVERNMENTAL ORGANIZATIONS

- 6 1. Statement of Independent Domestic Election Observation
Organizations in the OSCE Region
- 22 2. Statement in Support of Domestic Observers in the Republic of
Azerbaijan by some participants at the Conference for Domestic
Observation Organizations

Human Rights Project

- 29 1. Recommendations of Roma participants on “The Right to participate in election processes: the role of Roma and Sinti”

International Helsinki Federation for Human Rights

- 7 1. Report on Elections in Selected New Democracies in 2000

National Democratic Institute for International Affairs

- 1 1. Remarks by Mr. Robert Benjamin, Opening Plenary Session

Romani CRISS - Roma Center for Social Intervention and Studies

- 13 1. Report on the electoral participation of Roma from South-eastern Europe