



European Commission
United Nations Development Programme
Joint Task Force on Electoral Assistance



EC-UNDP Workshop on Formulating and Implementing Electoral Assistance Projects in the Context of the EC UNDP Partnership

“International principles for democratic elections”

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Looks familiar?

“The EU Election Observation Mission was invited by XXX government and assessed elections against international and regional standards” (EU EOM)

“Support provided to government to conduct free and fair elections and hold referenda that are credible by international standards.” (UN Development Assistance Framework)

“The project aims to support the holding of free and fair elections that are in accordance with international standards.” (Basket fund Project Document)

“To the international community: press the XXXX authorities and political actors to adhere to internationally acceptable election standards.” (Crisis Group report)

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Beyond Standards: just semantics?

Standard - a required or agreed level of quality or attainment. A criterion for measuring acceptability, quality and accuracy.

Commitment - the state or quality of being committed to a cause, or to a policy. A pledge or undertaking to which a sovereign country has adhered to.

Obligations – Acts or courses of action to which a person or an organisation is legally bound. The condition of being so bound

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Forget Standards: Obligations!

The word standard is also misleading because it suggests that there exists a consistent benchmark for elections

It suggests that there is one standardised way for organising every specific component of an electoral process

There are no such bench-marks and there are no such agreed procedures.

There are obligations based on international instruments!

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International Obligations

Commitments (or obligations) for democratic elections...

- stem from political rights and fundamental freedoms in treaties and political pledges.
- provide the legal basis for technical assistance in a spirit of partnership and cooperation.
- represent the principles by which observers assess elections.

The aim of electoral assistance is to support partner countries meet the international commitments and obligations they have signed up to.

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Types of instruments

Public international law on human and political rights

- **International Customary Law**
- **International Treaties**
- **Regional treaties**
- **Declarations & Political Commitments**

International good practice on democratic elections

Experience from democratic elections elsewhere

“...practices relating to the administration of an election that, by the extent of their use in elections, are recognised as ensuring that international obligations can be met.”

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International Treaty Standards

International Covenant on Civil and Political Rights (ICCPR)

Article 25

Every citizen shall have the right and the opportunity ...
without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

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International Treaty Standards

International Covenant on Civil and Political Rights (ICCPR)

Article 19: Everyone shall have the right to freedom of expression

Article 21: The right of peaceful assembly shall be recognised.

Article 22: Everyone shall have the right to freedom of association with others

Article 2: any person whose rights or freedoms...are violated shall have an effective remedy...determined by competent ...authority.

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The EC Compendium



INTERNATIONAL HUMAN RIGHTS NORMS AND THE RIGHT TO PARTICIPATION

	UN	AU	ICOWAS	OSG	OE	OIS	IAS	OC	Commonwealth	OIE	EU	SDC
Oman	*						*	*				
Pakistan	*							*				
Palestinian Authority of the West Bank and Gaza Strip	[15]					*	*					
Philippines	*											
Qatar	*						*	*				
Republic of Korea	*											
Saudi Arabia	*						*	*				
Singapore	*								*			
Sri Lanka	*								*			
Syrian Arab Republic	*						*	*				
Tajikistan	*					*		*		*		
Thailand	*							[16]				
Timor-Leste	*											
Turkmenistan	*					*		*		*		
United Arab Emirates	*						*	*				
Uzbekistan	*					*		*				
Viet Nam	*											
Yemen	*						*	*				

15. The Palestinian Authority of the West Bank and Gaza Strip is not a member state of the United Nations, but it has observer status.
 16. Thailand has observer status.

Comprehensive
 coverage of all legal
 instruments and political
 instruments that cover
 the electoral process

Provides a global matrix
 mapping the
 instruments and
 instruments each country
 is party to or politically
 committed to

Designed for EU
 election missions but
 also applicable in
 other forms of electoral assistance

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The EC criteria

1. The right and opportunity, without any distinction or unreasonable restrictions, for citizens to participate in government and public affairs through:

- Periodic elections**
- Genuine elections**
- Universal suffrage**
- Equal suffrage**
- The right to stand for election**
- The right to vote**
- The right to a secret ballot**
- The free expression of the will of voters**

2. The freedom of expression

3. The freedom of association

4. The freedom of assembly

5. The freedom of movement

6. The freedom from discrimination

7. The right to an effective legal remedy

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Regional Legal Instruments

- African Charter on Democracy, Elections and Governance (2007) and African Charter on Human and Peoples' Rights (1981)**
- ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanisms for Conflict Prevention, Management, Resolution, Peace and Security (2001)**
- League of Arab States (LAS - the new Arab Charter on Human Rights of 2004)**
- OAS Charter and American Declaration of the Rights and Duties of Man (1948)**
- American Convention on Human Rights (1969)**
- CoE Convention for the Protection of Human Rights and Fundamental Freedoms (1950)**

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International Treaty Standards

International Convention on the Elimination of All Forms of **Racial Discrimination**, 1965

Convention on the Elimination of All Forms of **Discrimination against Women**, 1979

Convention on the **rights of persons with disabilities**, 2006

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Looks familiar?

**“Experts come with their
'standards' – but they're not
relevant here and they're
inappropriate...”**

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Other Initiatives

- IPU Declaration on Criteria for Free and Fair Elections (1994)**
- Venice Commission Guidelines on Elections(2002)**
- UNHRC General Comments to the ICCPR**
- SADC Principles and Guidelines Governing Democratic Elections**

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The EC criteria

1. The right and opportunity, without any distinction or unreasonable restrictions, for citizens to participate in government and public affairs through:

- Periodic elections**
- Genuine elections**
- Universal suffrage**
- Equal suffrage**
- The right to stand for election**
- The right to vote**
- The right to a secret ballot**
- The free expression of the will of voters**

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The EC criteria

- 2. The freedom of expression**
- 3. The freedom of association**
- 4. The freedom of assembly**
- 5. The freedom of movement**
- 6. The freedom from discrimination**
- 7. The right to an effective legal
remedy**

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International Customary Law

Universal Declaration of Human Rights (1948)

Article 21

- (1) Everyone has the **right to take part** in the government of his country, directly or through freely chosen representatives
- (2) The **will of the people** shall be the basis of the authority of government; this will shall be expressed in **periodic and genuine elections** which shall be held by **universal and equal suffrage** and shall be held by **secret vote** or by equivalent free voting procedures.



International Customary Law

Universal Declaration of Human Rights (1948)

Article 19

Everyone has the right to freedom of opinion and expression.

Article 20

Everyone has the right to peaceful assembly and association.

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International Obligations



European Union Election Observation Mission
Republic of Yemen
Presidential and Local Elections – 20 September 2006

PRELIMINARY STATEMENT

Open and genuinely contested elections provide a real opportunity to tackle Yemen's remaining democratic shortcomings

Sana'a

The European Union Election Observation Mission August 2006 following an invitation from the State Election Commission. The mission is led by Chief Observer Baroness Nicholson. In total, the EU EOM deployed 119 observers from 20 countries to assess the whole electoral process in accordance with the 2002 electoral law. On election day, the observers visited over 1040 polling stations of Yemen to observe voting and counting. The EOM will continue to observe all aspects of the post-election process, including the result tabulation procedures and the complaints mechanism, and will make recommendations, within two months of the conclusion of the process.

Executive Summary

The 20 September presidential and local elections in Yemen have so far seen an open and genuine contest take place that presented a notable opportunity in the region for an incumbent head of state to face a real challenge at the polls. These factors constituted a significant and positive development in Yemen's democratisation process. Nevertheless, the electoral process

Voters were provided with a clear choice between the ruling General People's Congress and the opposition Joint Meeting Parties (JMP), with campaigns focused around their candidates for president, the incumbent President Saleh and Mr Faisal Bin Shamlan. Both sides gave repeated public commitments to hold credible and peaceful elections and reached a political agreement on 18 June 2006 that provided a framework to ensure cross-party participation in the elections. In total, five candidates were registered to take part in the presidential contest and over 20,000 ran for local office. Women were seriously under-represented in the elections.

Overall, voter turnout was reported to be 58 per cent. EU observers positively evaluated voting procedures in 82 per cent of the polling centres visited in spite of a large number of irregularities observed. There were particular problems with overcrowding and the following of procedures in female polling stations. Counting was reported to take place in accordance with the law.

The elections were generally well-run and efficiently organised by the Supreme Commission for Elections and Referendum (SCER), which took many steps to promote transparency and political inclusiveness. Significantly, the SCER had a multi-party composition at all levels but the role

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EU Election Observation Mission
Yemen 2006
Presidential and Local Elections

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played within its structures by government appointees and security officials created a perception of partisanship towards the GPC in its decision-making process.

The legal framework for these elections largely met international standards for democratic elections but contained a number of problematic aspects that need to be addressed, especially in relation to the registration of candidates and the independence of the judiciary. Public confidence in the implementation of the electoral process and the independence of the judiciary.

Over 9 million voters were registered for the 20 September elections, but the voter register experienced some problems, including duplicate entries and ineligible names. The deletion of over 200,000 names but the provision of proper opportunities for voters and candidates to challenge the register.

The election campaigns were active and took place and there were few reports of violence. On the right to campaign, all sides respected the right of others to campaign, there were a number of instances where the tolerance of the campaign was undermined by aggressive political rhetoric. Several candidates and supporters of the JMP were arrested on charges that would appear to have been politically motivated. State agencies, especially the police and military, showed overwhelming support for the incumbent, while state resources were frequently used in support of the ruling party. There were credible reports of pressure upon local candidates, especially women candidates, to

Arts 21 (1,3) UDHR
and 25 ICCPR

positive coverage of the presidential campaign and the local elections in any depth. The state provided access and free airtime to presidential candidates and the reporting of the activities of President Saleh and the freedom of the media in Yemen, there were no prosecutions against journalists during the campaign.

Candidates in these elections reflects a clear and as participants in democratic processes within the country. Women were seriously under-represented in taking part in the elections and received little influence to strengthen their role. High levels of

illiteracy amongst women also contributed to their limited awareness of and participation in the electoral process.

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International Obligations



European Union Election Observation Mission
Republic of Yemen
Presidential and Local Elections – 20 September 2006

PRELIMINARY STATEMENT

Open and genuinely contested elections provide a real opportunity to tackle Yemen's remaining democratic shortcomings

Sana'a, 21 September 2006

The European Union Election Observation Mission (EU EOM) has been present in the Republic of Yemen since 12 August 2006 following an invitation from the Supreme Commission for Elections and Referendum (SCER). The Mission is led by Chief Observer, Baroness Nicholson of Winterbourne, Member of the European Parliament. In total, the EU EOM deployed 119 observers from 22 EU Member States. The observers were deployed across Yemen to assess the whole electoral process in accordance with international principles for genuine democratic elections. On election day, the observers visited over 1040 polling stations in 340 polling centres in 17 of the 21 governorates of Yemen to observe voting and result tabulation procedures and to observe all aspects of the election process. The Mission will submit its recommendations, within two weeks of the election, to the SCER.

The 20 September presidential election was a genuine contest that took place in a peaceful environment. The incumbent President Saleh and the opposition Joint Meeting Parties (JMP), with campaigns focused around their candidates for president, the incumbent President Saleh and Mr Faisal Bin Shamlan. Both sides gave repeated public commitments to hold credible and peaceful elections and reached a political agreement on 8 June 2006 that provided a framework to ensure free and fair participation in the elections. The election process was generally peaceful and the results accurately reflect the will of the voters.

Voters were provided with a clear choice between the ruling General People's Congress and the opposition Joint Meeting Parties (JMP), with campaigns focused around their candidates for president, the incumbent President Saleh and Mr Faisal Bin Shamlan. Both sides gave repeated public commitments to hold credible and peaceful elections and reached a political agreement on 8 June 2006 that provided a framework to ensure free and fair participation in the elections. The election process was generally peaceful and the results accurately reflect the will of the voters.

Voting on 20 September proceeded well and was generally peaceful. Regrettably, however, there were several reports of violence including five deaths in election-related incidents. Overall, voter turnout was reported to be 58 per cent. EU observers positively evaluated voting procedures in 82 per cent of the polling centres visited in spite of a large number of irregularities observed. There were particular problems with overcrowding and the following of procedures in female polling stations. Counting was reported to take place in accordance with the law.

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Yemen 2006
Presidential and Local Elections

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played within its structures by government appointees and security officials created a perception of partisanship towards the GPC in its decision-making process.

The legal framework for these elections largely met international standards for democratic elections but contained a number of problematic aspects that need to be addressed, especially in relation to the registration of candidates and the process for submitting complaints and appeals. Public confidence in the implementation of the rule of law in Yemen is challenged by a weak judiciary.

Over 9 million voters were registered to take part in the election, including 1.5 million more voters than were registered for the 2003 parliamentary election. However, the updating of the voter register experienced some problems and resulted in the inclusion of a high number of duplicate entries and ineligible names. A review of the voter register by the SCER led to the deletion of over 200,000 names. This process provided proper opportunities for voters to be included in the register.

The election campaign took place and there was no violence. All sides respected the tolerance of the campaign and supporters of the incumbent were not motivated. State agencies supported the incumbent, while some media outlets were credible reports. Some candidates withdrew their nomination.

The media in Yemen provided extensive and positive coverage of the presidential campaign and of voter education initiatives, but did not cover the local elections in any depth. The state electronic media fulfilled obligations to provide access and free airtime to presidential candidates but showed clear bias in the level of its news reporting of the activities of President Saleh and the ruling party. Despite numerous limitations on the freedom of the media in Yemen, there were no reported instances of political censorship or intimidation against journalists during the campaign.

Candidates in these elections reflects a clear and as participants in democratic processes within in taking part in the elections and received little influence to strengthen their role. High levels of their limited awareness of and participation in the

E-day activities
Art. 25 ICCPR

Results
Management
Art. 25 ICCPR

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International Obligations



European Union Election Observation Mission
Republic of Yemen
Presidential and Local Elections – 20 September 2006

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PRELIMINARY STATEMENT

Open and genuinely contested elections Yemen's remaining democratic

Sana'a, 21 September 2006

The European Union Election Observation Mission (EU EOM) was established in August 2006 following an invitation from the Supreme Commission for Elections and Referendum (SCER) of Yemen. The EOM is led by Chief Observer, Baroness Nicholson of Winton. In total, the EU EOM deployed 119 observers from 22 EU Member States to assess the whole electoral process in accordance with international standards. On election day, the observers visited over 1040 polling stations across Yemen to observe voting and counting. The EU EOM is required to report on the result tabulation procedures and the complaints and appeals process, and to observe all aspects of the post-election process and to make recommendations, within two months of the conclusion of the election.

Over 9 million voters were registered to take part in the election, including 1.5 million more voters than were registered for the 2003 parliamentary election. However, the updating of the voter register experienced some problems and resulted in the inclusion of a high number of duplicate entries and ineligible names. A review of the voter register by the SCER led to the deletion of over 200,000 names but was undertaken in a non-transparent way and prevented proper opportunities for voters and political parties to verify its accuracy.

Executive Summary

The 20 September presidential and local elections in Yemen have so far seen an open and genuine contest take place that presented a notable opportunity in the region for an incumbent head of state to face a real challenge. The elections also presented a positive development in Yemen's democratic process. The elections highlighted a number of important issues that will be crucial for future elections to fully succeed. It is essential that the results of the elections accurately reflect the will of the people.

Voters were provided with a clear choice between the incumbent president, the incumbent President Saleh, and the opposition Joint Meeting Parties (JMP). The incumbent President Saleh's public commitments to hold credible elections were reinforced on 18 June 2006 that provided a framework for the elections. In total, five candidates were registered for local office. Women were seriously

Voter Registration

Voting on 20 September proceeded well and was generally peaceful. Regrettably, however, there were several reports of violence including five deaths in election-related incidents. Overall, voter turnout was reported to be 58 per cent. EU observers positively evaluated voting procedures in 82 per cent of the polling centres visited in spite of a large number of irregularities observed. There were particular problems with overcrowding and the following of procedures in female polling stations. Counting was reported to take place in accordance with the law.

The elections were generally well-run and efficiently organised by the Supreme Commission for Elections and Referendum (SCER), which took many steps to promote transparency and political inclusiveness. Significantly, the SCER had a multi-party composition at all levels but the role

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played within its structures by government appointees and security officials created a perception of partisanship towards the GPC in its decision-making process.

took place and there were few reports of restrictions on the right to campaign freely. Although all sides respected the right of others to campaign, there were a number of instances where the tolerance of the campaign was undermined by aggressive political rhetoric. Several candidates and supporters of the JMP were arrested on charges that would appear to have been politically motivated. State agencies, especially the police and military, showed overwhelming support for the incumbent, while state resources were frequently used in support of the ruling party. There were credible reports of pressure upon local candidates, especially women candidates, to withdraw their nominations.

The media in Yemen provided evidence of voter education initiatives, but electronic media fulfilled obligations but showed clear bias in the level of support for the ruling party. Despite numerous reported instances of political censorship during the period.

The serious under-representation of women in the comprehensive pattern of exclusion from the electoral process in Yemen. Women candidates face or no support from political parties and illiteracy amongst women also contributed to their limited awareness of and participation in the electoral process.

Equal and Universal Suffrage – Art. 25 ICCPR

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The EC criteria

Electoral Campaign

Freedom of Assembly (Art. 21) and Freedom of Movement (Art. 12 ICCPR)

The election campaigns were active and generally peaceful. Many well-attended public rallies took place and there were few reports of restrictions on the right to campaign freely. Although all sides respected the right of others to campaign, there were a number of instances where the tolerance of the campaign was undermined by aggressive political rhetoric. Several candidates and supporters of the JMP were arrested on charges that would appear to have been politically motivated. State agencies, especially the police and military, showed overwhelming support for the incumbent, while state resources were frequently used in support of the ruling party. There were credible reports of pressure upon local candidates, especially women candidates, to withdraw their nominations.

Openness and transparency ... **Community to tackle**

The European Union Election Observation Mission (EU EOM) has been present in the Republic of Yemen since 1 August 2006 following an invitation from the Supreme Commission for Elections and Referendum (SCER). The Mission is led by Chief Observer, Baroness Nicholson of Winterbourne, Member of the European Parliament. In total, the EU EOM deployed 119 observers from 22 EU Member States. The observers were deployed across Yemen to assess the whole electoral process in accordance with international principles for genuine democratic elections. On election day, the observers visited over 1040 polling stations in 340 polling centres in 17 of the 21 governorates of Yemen to observe voting and counting. The EU EOM is currently observing the conclusion of the counting and result tabulation procedures and the complaints and appeals process. The EU EOM will continue to observe all aspects of the post-election process and will submit a final report, including recommendations, within two months of the conclusion of the process.

Executive Summary

The 20 September presidential and local elections were a genuine contest that presented a notable challenge to the incumbent head of state to face a real challenge at the polls. This positive development in Yemen's democratisation process highlighted a number of important shortcomings that will be crucial for future elections to fully succeed. It is now crucial that the results accurately reflect the will of the voters.

Voters were provided with a clear choice between the opposition Joint Meeting Parties (JMP), with candidate Mr. Ali Abdullah Saleh, the incumbent President Saleh and Mr. Ali Abdullah Saleh's public commitments to hold credible and peaceful elections on 18 June 2006 that provided a framework to ensure cross-party participation in the elections. In total, five candidates were registered to take part in the presidential contest and over 20,000 ran for local office. Women were seriously under-represented in the elections.

Voting on 20 September proceeded well and was generally peaceful. Regrettably, however, there were several reports of violence including five deaths in election-related incidents. Overall, voter turnout was reported to be 58 per cent. EU observers positively evaluated voting procedures in 82 per cent of the polling centres visited in spite of a large number of irregularities observed. There were particular problems with overcrowding and the following of procedures in female polling stations. Counting was reported to take place in accordance with the law.

The elections were generally well-run and efficiently organised by the Supreme Commission for Elections and Referendum (SCER), which took many steps to promote transparency and political inclusiveness. Significantly, the SCER had a multi-party composition at all levels but the role

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EU Election Observation Mission Yemen 2006 Presidential and Local Elections

played within its structures by groups of partisanship towards the GPC.

The legal framework for these elections but contained a number of irregularities in relation to the registration of candidates. Public confidence in the implementation of the judiciary.

Over 9 million voters were registered for the elections but more than 200,000 voters than were registered for the voter register experienced some irregularities, including duplicate entries and ineligible names. A review of the voter register by the SCER led to the deletion of over 200,000 names but was undertaken in a non-transparent way and prevented voters and political parties to verify its accuracy.

period.

The serious under-representation of women as candidates in these elections reflects a clear and comprehensive pattern of exclusion of women as participants in democratic processes within Yemen. Women candidates faced real obstacles in taking part in the elections and received little or no support from political parties or others of influence to strengthen their role. High levels of illiteracy amongst women also contributed to their limited awareness of and participation in the electoral process.

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The EC criteria



European Union Election Observation Mission Republic of Yemen

Presidential and Local Elections – 20 September 2006

PRELIMINARY STATEMENT

**Open and genuinely contested elections provide a
Yemen's remaining democratic**

Sana'a, 21 September 2006

The European Union Election Observation Mission (EU EOM) has been present in Yemen since August 2006 following an invitation from the Supreme Commission for Elections and Referendum (SCER). The Mission is led by Chief Observer, Baroness Nicholson of Winterbourne, Member of the European Parliament. In total, the EU EOM deployed 119 observers from 22 EU Member States. The observers were deployed across Yemen to assess the whole electoral process in accordance with international principles for genuine democratic elections. On election day, the observers visited over 1040 polling stations in 340 polling centres in 17 of the 21 governorates of Yemen to observe voting and counting. The EU EOM is currently observing the conclusion of the counting and result tabulation procedures and the complaints and appeals process. The EU EOM will remain in country to observe all aspects of the post-election process and will publish a final report, containing detailed recommendations, within two months of the conclusion of the entire process.

Executive Summary

The 20 September presidential and local elections in Yemen have so far seen an open and genuine contest take place that presented a notable opportunity in the region for an incumbent head of state to face a real challenge at the polls. The elections also represented a positive development in Yemen's democratisation process. However, the process highlighted a number of important shortcomings that will need to be addressed for future elections to fully succeed. It is now crucial that the electoral process and its results accurately reflect the will of the voters.

Voters were provided with a clear choice between the opposition Joint Meeting Parties (JMP), with candidate Ali Abdullah Saleh as president, the incumbent President Saleh and Mr. Ali Abdullah Saleh's public commitments to hold credible and peaceful elections. The SCER's decision of 18 June 2006 that provided a framework to ensure free and fair elections. In total, five candidates were registered to take part in the elections for local office. Women were seriously under-represented in the electoral process.

Voting on 20 September proceeded well and with few problems. There were several reports of violence including five deaths in election-related incidents. Overall, voter turnout was reported to be 58 per cent. EU observers positively evaluated voting procedures in 82 per cent of the polling centres visited in spite of a large number of irregularities observed. There were particular problems with overcrowding and the following of procedures in female polling stations. Counting was reported to take place in accordance with the law.

The elections were generally well-run and efficiently organised by the Supreme Commission for Elections and Referendum (SCER), which took many steps to promote transparency and political inclusiveness. Significantly, the SCER had a multi-party composition at all levels but the role of the opposition was limited.

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Media

Freedom of Speech
and Assembly - Art.
19 ICCPR

The media in Yemen provided extensive and positive coverage of the presidential campaign and of voter education initiatives, but did not cover the local elections in any depth. The state electronic media fulfilled obligations to provide access and free airtime to presidential candidates but showed clear bias in the level of its news reporting of the activities of President Saleh and the ruling party. Despite numerous limitations on the freedom of the media in Yemen, there were no reported instances of political censorship or intimidation against journalists during the campaign period.

or no support from political parties or others of influence to strengthen their role. High levels of illiteracy amongst women also contributed to their limited awareness of and participation in the electoral process.

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The EC criteria



European Union Election Observation Mission
Republic of Yemen
Presidential and Local Elections – 20 September 2006

PRELIMINARY STATEMENT

Open and genuinely contested elections provide a real opportunity to tackle Yemen's remaining democratic shortcomings

The European Union Election Observation Mission (EU EOM) was deployed to Yemen from 12 August 2006 following a request from the Yemeni government. The mission is led by Chief Observer [Name] and consists of 12 observers. The EU EOM deploys observers to assess the whole electoral process. On election day, the observers of Yemen to observe voter registration, the result tabulation process and to observe all aspects of the electoral process. The mission will issue recommendations, within 12 days of the end of the election process. The mission is led by Chief Observer [Name]. The mission consists of 12 observers. In Yemen, the EU EOM deploys observers to assess the whole electoral process. On election day, the observers of Yemen to observe voter registration, the result tabulation process and to observe all aspects of the electoral process. The mission will issue recommendations, within 12 days of the end of the election process.

Gender Issues

Executive Summary

The 20 September presidential and local elections in Yemen have so far seen an open and genuine contest take place that presented a notable opportunity in the region for an incumbent head of state to face a real challenge at the polls. These factors constituted a significant and positive development in Yemen's democratisation process. Nevertheless, the electoral process highlighted a number of important shortcomings and it is essential that these are tackled for future elections to fully succeed. It is now crucial that the process of counting and the tabulation of results accurately reflect the will of the voters.

Voters were provided with a clear choice between the ruling General People's Congress and the opposition Joint Meeting Parties (JMP), with incumbent President Saleh and Mr. [Name] as candidates. The public commitments to hold credible and peaceful elections were reinforced on 18 June 2006 that provided a framework to ensure that the elections would be free and fair. In total, five candidates were registered to take part in the elections for local office. Women were seriously under-represented as candidates.

Voting on 20 September proceeded well and there were several reports of violence including the death of a voter. Overall, voter turnout was reported to be 58 per cent. In 82 per cent of the polling centres visited, procedures in 82 per cent of the polling centres were observed. There were particular problems with observation at female polling stations. Counting was reported to be generally well-run and efficient.

The elections were generally well-run and efficient. The Election and Referendum (SCER), which took many steps to promote transparency and political inclusiveness. Significantly, the SCER had a multi-party composition at all levels but the role of the SCER was limited.

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played within its structures by government appointees and security officials created a perception of partisanship towards the GPC in its decision-making process.

The legal framework for these elections lacked transparency and contained a number of problems in relation to the registration of candidates and the voter register. Public confidence in the implementation of the electoral process and the judiciary.

Over 9 million voters were registered to take part in the elections, more than were registered for the 2003 parliamentary elections. The voter register experienced some problems including duplicate entries and ineligible names. A reduction in the number of names but was not a proper opportunity for voters and political parties.

The election campaigns were active and generally peaceful. Many well-attended public rallies took place and there were few reports of restrictions on the right to campaign freely. Although all sides respected the right of others to campaign, there were a number of instances where the tolerance of the campaign was undermined by aggressive political rhetoric. Several candidates and supporters of the JMP were arrested on charges that would appear to have been politically motivated. State agencies, especially the police and military, showed overwhelming support for the incumbent, while state resources were frequently used in support of the ruling party. There were credible reports of pressure upon local candidates, especially women candidates, to withdraw their nominations.

The media in Yemen provided extensive and positive coverage of the presidential campaign and of voter education initiatives, but did not cover the local elections in any depth. The state electronic media fulfilled obligations to provide access and free airtime to presidential candidates.

Art. 7 UN CEDAW

The serious under-representation of women as candidates in these elections reflects a clear and comprehensive pattern of exclusion of women as participants in democratic processes within Yemen. Women candidates faced real obstacles in taking part in the elections and received little or no support from political parties or others of influence to strengthen their role. High levels of illiteracy amongst women also contributed to their limited awareness of and participation in the electoral process.

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Public confidence and trust in the independence of the CEC is deservedly high but its integrity and authority were challenged by direct attempts to influence its decision-making when its offices in several locations were taken over by armed groups during the candidate registration process and in the early stages of the campaign. Such acts of violence, intimidation or pressure against the CEC and its staff are unacceptable within a democratic election and yet, regrettably, the perpetrators of these acts – many of whom have links to Fatah – have gone unpunished, reflecting a wider culture of impunity amongst members of militia groups in Palestine in their use of threats and violence.

place in barracks rather in the locations where they were registered to vote, as according to the law. Ensuring opportunities for voting by security forces had been a problematic issue in previous elections and the solution reached, whereby votes were cast in special polling centres in each district over 21-23 January, was an effective arrangement.

There was an open process for the nomination and registration of individual district candidates and candidates on national lists. A total of 778 candidates were included in the final lists of candidates and, in contrast to the 1996 PL, the CEC allowed candidates to cross the Palestinian political spectrum. The CEC also confirmed a CEC decision and allowed candidates to register on two separate lists that had been

The CEC made to the CEC during the campaign. The CEC also received complaints and acting against violations of the law, although it has not been able to enforce the law, although it has referred cases to the Office for consideration. The CEC also received complaints from the West Bank, sent to all districts. The CEC also received a complaint was addressed only through discussion between the CEC and the Office of the PA President.

Voter Registration

A total of 1,332,499 voters were registered for this election, an impressive 21 per cent increase on the number of voters registered for the January 2005 presidential election that reflected the effective steps taken by the CEC to improve the accuracy of the voter register. Regrettably, public access to the final register of voters was restricted and it was not published by the CEC until polling day, although it was made available on request to candidates. It is unfortunate that, for security reasons, the voter register for the security forces was not made available at any stage thus preventing any independent cross-checking of the persons for double registration. The registration of an estimated 123,000 voters in East Jerusalem was not permitted by the Israeli authorities.

Campaign

The campaign period was generally calm and saw a stabilisation in the general security situation that enabled active campaigning to take place. Overall, the campaign was notable for its positive tone and there were no reports of provocative rhetoric or hate speech. In comparison to the 1996 and 2005 elections, there was a notable drop in reports of the use of state resources by candidates in campaign. Despite many large rallies, there was no major incident related to the campaign, although two activists were killed in events that may have been election-related. There are several complaints that campaigning occurred inside mosques. An innovative and

Election Administration

Right to Security of Person - Art. 9 ICCPR

with



an effective and inclusive voter education programme in association with a number of civil society actors. Moreover, the CEC showed itself to be capable of efficiently implementing arrangements for voting in East Jerusalem and for security forces that were agreed to at late notice.

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Separately, unwarranted political interference in the work of the CEC came from the Ministry of Interior which sought to change the arrangements for early voting by over 58,000 security forces so that voting would take place in barracks rather than in the locations where they were registered to vote, as according to the law. Ensuring opportunities for voting by security forces had been a problematic issue in previous elections and the solution reached, whereby votes were cast in special polling centres in each district over 21-23 January, was an effective arrangement.

The national PLC questioned the independence of the CEC and its role in the election process. The PLC requested the CEC to issue two separate lists of candidates and, in doing so, to allow a CEC decision and allow two separate lists that had been made to the CEC during the campaign. The PLC also requested the CEC to act against violence and to enforce the law, although in minor cases, complaints have been passed to the Prosecutor's Office for consideration. The most serious complaint related to a letter from the Chief of Civil Police of the West Bank, sent to all district police chiefs, instructed police to vote in favour of the ruling party. This complaint was addressed only through an informal discussion between the CEC and the Office of the PA President.

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Electoral Campaign

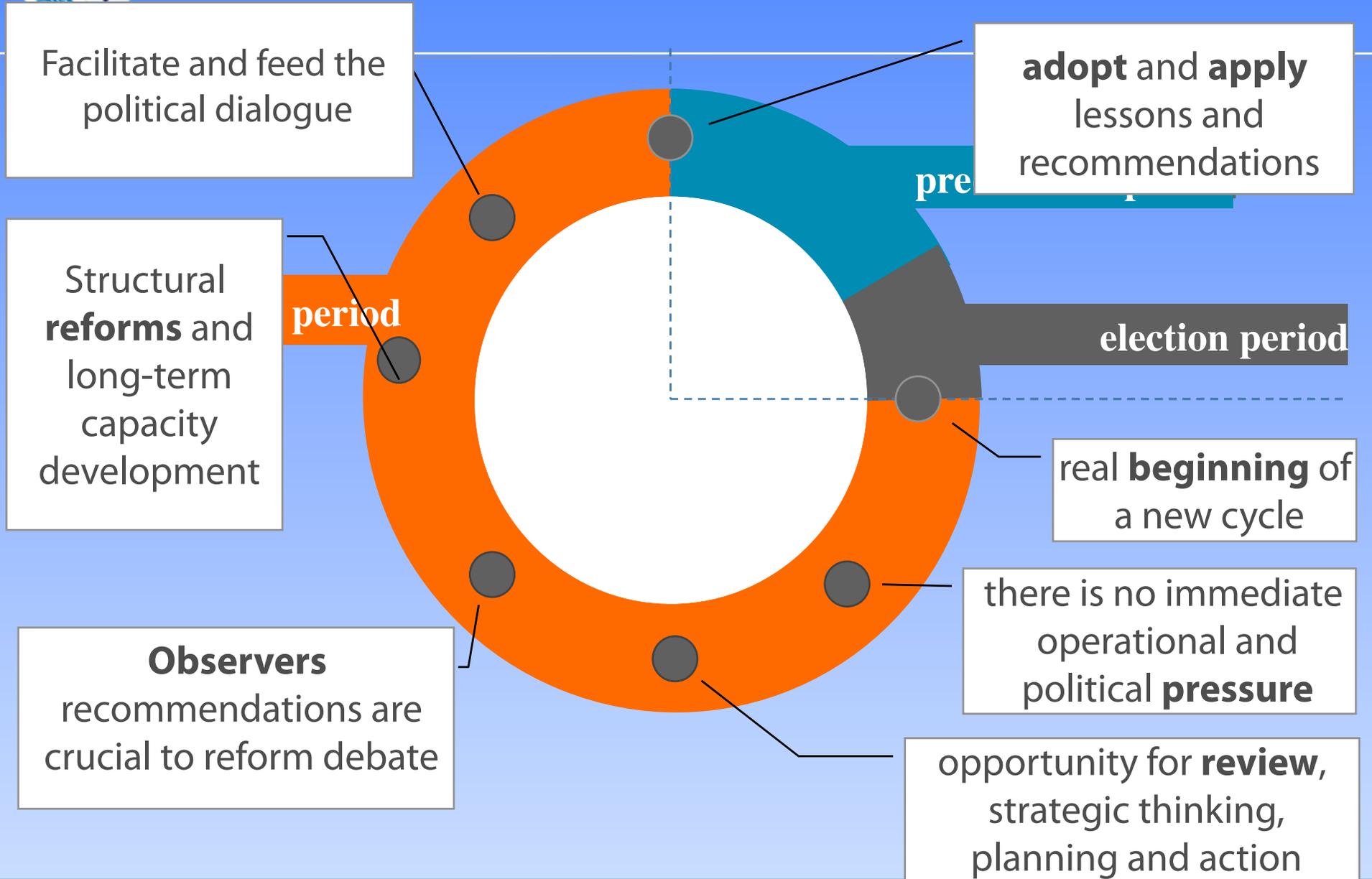
Right to Access to Information Art. 19 ICCPR

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Observation and Assistance





In movement

The independent evaluation and analysis of the reasons why certain principles cannot be met provides the basis for the future programming of electoral and democracy assistance

The new value of the Final Report. A snapshot of the state of democracy in the partner country, a documentation of the gap between legal obligations and real practice

The importance of the recommendations as the EU EOM legacy

Redefining the notion of EU EOM independence

Need to involve the EU institutions on the ground in the post electoral period

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Types of Instruments

- International and regional instruments**
- Treaty-based**
- Non Treaty-based**
- Political commitments**
- General comments and recommendations**

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