

# REPORT ON THE GLOBAL STATE OF NONPARTISAN CITIZEN ELECTION OBSERVERS' RIGHTS 2024



## GNDEM

Global Network of Domestic Election Monitors





# **FORWARD**

The Global Network for Domestic Election Monitors (GNDEM) is very excited to have produced the first ever “Report on the Global State of Nonpartisan Citizen Election Observers’ Rights.”

Elections fundamentally belong to citizens and therefore citizens have the right to observe their own elections. Citizen observation serves to engage people in democratic life; to make electoral processes more transparent; and to hold not just election management bodies, but candidates and parties accountable.

One of the most tangible democratic advances of the past four decades has been the establishment of citizen observer organizations and networks in almost every country of the world as well as the creation of regional and global networks (like GNDEM) to support citizen observers.

However, the rights of citizen observers are under threat as never before. In every region of the world autocrats are closing civic space and undermining the rights of citizen observers to monitor elections.

This report, the first of what GNDEM hopes will become a series, helps identify the trends and tactics used to limit the rights of citizen observers as well as offering insights on how citizen observers (and their allies) can protect and expand their rights.

This is a crucial moment for democracy, this first ever report on the global state of nonpartisan citizen observers’ rights could not be more important. On behalf of the entire GNDEM board, I want to thank everyone involved in its production.

GNDEM Chairperson

## ACKNOWLEDGMENTS

This report comes at challenging times. Nonpartisan citizen election observers are facing new and more extreme efforts to derail their work than ever before. There is an urgent and growing need for solidarity and understanding about these challenges to ensure that election safeguards around the globe can remain resilient despite facing pushback and violations of their rights.

The Global Network of Domestic Election Monitors (**GNDEM**), with support from the National Democratic Institute (**NDI**), conducted this study which draws on the experiences and lessons shared by nonpartisan citizen election monitoring groups worldwide. This research is the first study to document and highlight the global status of nonpartisan citizen observer rights, along with the lessons learned and the concerted efforts needed to ensure that the rights of citizen observers are respected, protected, and promoted. Both organizations express their utmost gratitude to the election observation leaders and experts that responded to the questionnaire and participated in discussions that helped shape this report.

This study was championed and commissioned by Ol'ha Ajvazovs'ka, GNDEM's chair from 2021 to 2024; and was seen to its conclusion by GNDEM's current board chair Sarah Bireete. Additionally, the study benefited from expert interviews with key informants, including Pat Merloe, Robert Gerenge (**UNDP**), Adam Busuleanu (**EPDE**), Anastasia Wibawa, and Chandanie Watawala (former Executive Director of **ANFREL**), Octael Nieto-Vazquez (**RedOIE**), and Olufunto Akinduro (**International IDEA**).

The findings, lessons learned, and recommendations from the study were presented and peer-reviewed by GNDEM representatives in October 2024 in Bangkok, Thailand. GNDEM expresses its appreciation to all individuals and organizations who lend their experiences and insights in contributing to this study.

The study was led by Mercy W. Njoroge, with guidance and technical input from the NDI's Elections team led by Julia Brothers, Alexander Pommer and Mistire Kifle, with review from Anis Samaali and Richard L. Klein. NDI wishes to express gratitude to the numerous citizen election observation groups and experts whose knowledge and experiences have contributed to the study.

This report was developed with the support of a grant from the National Endowment for Democracy (**NED**). We hope that it will serve as a valuable policy tool for enhancing the rights of citizen election observers. GNDEM and NDI welcome any comments, suggestions, or requests regarding this report.

## **I. EXECUTIVE SUMMARY**

Elections represent a fundamental pillar of democracy, serving as the primary mechanism through which citizens exercise their political will and participate in governance, as enshrined in international and regional human rights standards such as the Universal Declaration of Human Rights.<sup>1</sup> Credible elections are of interest not only to those who participate in them, but also the broader international community as they serve to mitigate the potential for political violence; reduce the likelihood of conflict between states; and are a necessary condition for long-term economic development.

Over the past 40 years, the emergence of election observation by nonpartisan civil society has been one of the most significant advancements in fostering electoral integrity. These observers serve as essential safeguards to credible elections, promoting transparency and accountability, strengthening civic participation, and building confidence in the democratic process. Nonpartisan citizen election observers reinforce the efforts of election management bodies (EMBs) to conduct credible elections as well as ensure that all political parties and candidates can fully contest elections; that all voters are able to make informed choices; and that only eligible individuals are able to vote.

Recognized increasingly as ‘specialized human rights defenders,’ citizen observers uphold the rights associated with genuine elections, which hinge on civil and political liberties such as the freedoms of association, expression, and peaceful assembly. Additionally, as defenders of these rights, citizen observers themselves are entitled to protections under public international law, which offers a robust framework for assessing electoral conduct and safeguarding the well-being of all electoral stakeholders.

However, global democratic regression - including increasing authoritarianism and a decline in competitive multiparty elections - poses significant risks to the operational safety and effectiveness of citizen election observers. As the most visible and effective asset for electoral transparency, these observers face increasingly sophisticated efforts to undermine and obstruct their mission.

While ad hoc efforts have been made to track enabling conditions for nonpartisan citizen observation and violations of citizen observer rights, there has not yet been comprehensive research on the topic until now. The findings of this report were drawn from a structured survey with 66 organizations from 53 countries participating, covering every region in the world, and supplemented by 11 key informant interviews of observation experts, civil society leaders and human rights defenders.

This research report highlights various legal, operational, and security challenges faced by citizen observers worldwide as of 2024. In particular the research found:

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<sup>1</sup> Article 21(3)

## GLOBAL STATE OF NONPARTISAN CITIZEN ELECTION OBSERVERS' RIGHTS 2024

- While nonpartisan citizen observers are recognized in the legal frameworks in many countries, laws and secondary legislation have also been used to curtail the work of nonpartisan citizen election observers. Such limitations include: placing undue restrictions on: their ability to be registered or raise money, where and how they deploy observers; and when and how they can collect and release election-related information. These restrictions fundamentally undermine rights to free expression, assembly, movement and participation in public affairs, and subvert the transparency and accountability of the process.
- Accreditation procedures varied significantly across countries often with significant challenges or inefficiencies. Half of respondents noted logistical or timing constraints related to accreditation that were disruptive to their observation or otherwise resulted in late or inaccurate credentialing. Several organizations also noted the politicization or misuse of the accreditation process as a means to deny credible observers access to the process, often without effective redress.
- Nonpartisan citizen monitoring organizations are experiencing heightened levels of violence, intimidation and harassment, often sponsored by the state. This can have disproportionate impacts on women undermining their ability to fully participate in elections as nonpartisan observers.

Further, there are emerging and compounding threats that continue to hinder citizen observation's practice and effectiveness, including the increased prevalence of fake observers, lack of sustainable funding, discrediting narratives both online and offline, and the weaponization of technology through digital surveillance and censorship of observers. These findings emphasize the urgent need for the recognition, support, and protection of the role and rights of citizen observers to strengthen democratic processes.

There are best practices and opportunities, however, that can help reduce barriers to effective citizen election observation. Notably, successful advocacy efforts led by citizen observers have led to legal reforms and created a more favorable environment for their work. Moreover, nonpartisan citizen election observers are increasingly forming partnerships, both among themselves and with international observation missions, to foster solidarity and improve the visibility of their successes and challenges. Finally, existing collaborations with regional and international human rights forums and networks are being utilized to promote the rights of citizen observers.

As the first study on the state of nonpartisan citizen election observers' rights, the following priority recommendations are proposed, which aim to better protect and support the essential role of citizen election observers in the democratic process:

- 1. Standardize observer rights in the legal framework based on international best practices.<sup>2</sup>** Such frameworks should be integrated into national legal systems to clearly define and protect the rights of nonpartisan citizen observers.
- 2. Build consensus around model accreditation considerations for election observers for adoption by electoral management bodies (EMBs), including standardized accreditation guidelines and best practices that address the specific challenges and needs of nonpartisan citizen election observers.**
- 3. Shift the focus from mere recognition of rights to their active protection. Encourage regional and global organizations to enhance the safeguarding of observer rights, including holding member states accountable.**
- 4. Strengthen national, regional, and international justice systems to prevent and better respond to violations of nonpartisan citizen election observers' rights.**
- 5. Foster long-term engagement with EMBS and other political actors at the local and national level to help them understand and value the role of nonpartisan citizen observers.**
- 6. Prioritize and integrate observer rights in electoral integrity assessments by both international and nonpartisan citizen election observers, including an analysis of the civic space around an election and observer access as part of the electoral assessments, and its critical link to participation, transparency and accountability of an electoral process.**
- 7. Establish structured engagements and partnerships with journalists to raise awareness of threats to nonpartisan citizen observer rights.**
- 8. Create and expand regional and international networking opportunities and strategic partnerships with diverse stakeholders beyond election observers to elevate this issue throughout relevant human rights, legal, and democratic forums.**
- 9. Educate donors on the importance of sustainable and flexible funding for nonpartisan citizen election observation initiatives.**
- 10. Invest in strategic communications to counteract any resistance faced by nonpartisan citizen election observers.**

2 The Model Commitments for Advancing Genuine and Credible Elections provides specific but high-level benchmarks for improving electoral integrity, including observer rights, that are rooted in existing international standards, norms and best practices.

In light of these recommendations, discussions and advancements are already underway regarding **model frameworks**, and to develop accreditation best practices for citizen observers. A draft of such guidelines are included in the annex of this report to be discussed and sensitized with EMBs and other stakeholders to promote its standardization and adoption.

## II. INTRODUCTION AND THE BASIS OF OBSERVER RIGHTS

Elections are the bedrock of democratic societies, and they play a pivotal role in ensuring that the will of the people is accurately reflected in governance.<sup>3</sup> Nonpartisan citizen election observers, who impartially monitor elections on behalf of all voters, are crucial guardians of the integrity of electoral processes, particularly in the face of rising authoritarianism and a decline in transparent, competitive multiparty elections. Election observation by civic and faith-based organizations has been one of the most important democratic developments over the last 40 years and has led to major gains in electoral integrity, building reliable civic institutions and coalitions that promote accountability, transparency, participation and long-term public engagement around elections. Today, hundreds of citizen observation organizations exist in nearly every country of the world. Trustworthy and independent election monitors who do not have a political stake in the outcome help build confidence in the electoral process. Moreover, stable organizations and networks are able to iterate on lessons learned, innovate continuously, and apply increasingly systematic methods to enhance their observation efforts. In addition, nonpartisan citizen observer organizations often bring their expertise and networks to broader good governance initiatives thereby contributing more generally to the democratic development of countries.

**Nonpartisan Citizen Observers** are independent civic organizations or coalitions that are not affiliated with any political party, contestant or government. This role is distinct from political party agents - sometimes called party pollwatchers or polling agents - who represent political actors at the polls and have a stake in the outcome. Nonpartisan citizen observers are also sometimes known as "domestic observers" to distinguish them from international election observation missions, which are comprised of foreign observers. Election monitoring by nonpartisan civic organizations helps builds local ownership and accountability in credible elections and provides independent oversight of the process.

<sup>3</sup> Universal Declaration of Human Rights, Article 21(3)

Unfortunately, the global erosion of democratic processes, including elections, has endangered the safety and welfare of citizen election observers. Nonpartisan citizen observers are under threat more than ever before. Observers are the most visible representation of a population that aims to provide checks and balances to political power. They face increasingly sophisticated attempts to impede their efforts to safeguard the electoral process. Additionally, escalating violence and insecurity in some countries as a result of internal conflicts or external invasions has further put the practice of citizen election observation at risk.

## ***Election Observation and International Rights and Standards***

Because of their role in safeguarding citizen's rights to genuine elections, nonpartisan citizen election observers have increasingly been considered 'specialized human rights defenders' focused on civil and political rights, which are central to genuine elections. Genuine elections require respect for the exercise of human rights and fundamental freedoms, including association, peaceful assembly, expression, media freedom, movement, security of person, equal protection of the law for prospective voters and those seeking to be elected, as well as providing effective remedies when electoral related rights are violated.<sup>4</sup> In the same breath, nonpartisan citizen election observers, as guardians of these rights, are also entitled to these rights when fulfilling their mandate.

Public international law provides a comprehensive framework for evaluating the conduct of elections.<sup>5</sup> These legal standards emphasize the importance of safeguarding the rights of observers and other electoral stakeholders from intimidation, violence, and other threats that could undermine the legitimacy and transparency of the vote.<sup>6</sup>

**The Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organisations (DoGP)**, a document of standards and code of conduct for nonpartisan election monitoring by citizen organizations and endorsed by all GNDEM members, set the pace in the definition and recognition of citizen observer rights, noting:

*"Non-partisan observation and monitoring of elections by citizen organizations is part of participating in public affairs, which "relates to legislative, executive and administrative powers" and "covers all aspects of public administration, and the formulation and implementation of policy...."(UNHRC General Comment 25, paragraph 5.) Non-partisan election observation and monitoring by citizen organizations exercise the right of association that is central to the functioning of nongovernmental*

4 Preamble, The Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organisations, Para 5

5 Avery Davis-Roberts, David J. Carroll, Using international law to assess elections, Democratization, 2010

6 Redhi Setiadi, Megawati Barthos, Zudan Arief Fakrulloh, Law Enforcement In Overcoming Election Crime (Case Study Of Bawaslu, Semarang District), Journal Research of Social Science Economics and Management, 2023

organizations, as well as the right to seek, receive, and impart information that is vital to transparency and is included in the freedom of expression protected by articles 19 of the Universal Declaration of Human Rights and the ICCPR. Establishing an election process that is open to citizen examination is essential because citizens not only have the right to genuine elections, they have the right to know whether the election process provided an opportunity for free expression of the will of the electors and accurately recorded and honored the electors' will.... "Non-partisan citizen election observers and monitors can be considered as specialized human rights defenders focused on civil and political rights, which are central to achieving genuine elections."

In response to restricting space for and rights of election observers, the United Nations Special Rapporteurs on the situation of human rights defenders and the right to freedom and peaceful assembly and of associations in October 2022 issued a **statement**<sup>7</sup> explicitly recognizing citizen and international election observers as human rights defenders and urged all Member States to "take all necessary steps to establish conditions that allow national and international election observers to do their work effectively, and to protect them from any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of their rights and freedoms."

Regional human rights institutions have also responded to the growing threats to election observers. In May 2024, the Inter-American Commission on Human Rights (IACtHR) issued a **resolution**<sup>8</sup> recognizing international and nonpartisan citizen election monitors as human rights defenders due to their critical role in protecting human rights and defending democracy. The Commission explicitly recognizes the "important role of election monitors for the defense of democracy and the rule of law," emphasizing that "the actions of electoral observers ultimately seek to ensure the integrity of election processes." Acknowledging the importance of electoral observation missions and national election monitoring as "a form of political participation," the IACtHR calls on States to "enable suitable conditions for independent and impartial election monitoring and to ensure that election monitors can do their work freely, without retaliation of any kind, and enjoy protection from any risks they may face as a result of their efforts."

Further, in December 2024, the Venice Commission of the Council of Europe adopted its "**Report on Election Observers as Human Rights Defenders**" which stresses that observers are entitled to protection under international and national law; and non-partisan citizen observers must be provided with additional protections, including to rights of peaceful assembly, free association (including international funding), access to accreditation with minimal barriers, and to access effective remedies should their

7 October 22, 2022 Resolution

<https://srdefenders.org/information/the-situation-of-election-observers-as-human-rights-defenders%ef%bf%bc/>

8 May 23, 2024 Resolution

[https://www.oas.org/en/IACtHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2024/112.asp](https://www.oas.org/en/IACtHR/jsForm/?File=/en/iachr/media_center/PReleases/2024/112.asp)

rights be abrogated.<sup>9</sup>

Observer rights are guaranteed in these and other international and regional human rights instruments and can be summarized as follows:<sup>10</sup>

- 1. Right and opportunity to take part in the conduct of public affairs:** Non-partisan observation and monitoring of elections by citizen organizations is part of participating in public affairs, which includes joining or supporting non-governmental organizations that focus on citizen election observation, including serving as citizen election observers.<sup>11</sup> This right also secures citizen election observers' right to access accreditation to observe elections where applicable. This right is protected in Article 21 of the Universal Declaration of Human Rights, Article 25 of the International Covenant on Human and People's Rights, Article 23 of the American Convention on Human Rights, and Article 24 of the Arab Charter on Human Rights.
- 2. Right to liberty and security of person:** Non-partisan citizen election observers have the right to liberty and security of person. This right also requires that citizen observers are not subjected to arbitrary arrest, detention, imprisonment, interference, coercion, or intimidation while exercising their mandate. This right is enshrined in Articles 3 and 9 of the Universal Declaration of Human Rights, Article 9 of the International Covenant on Civil and Political Rights, Article 7 of the American Convention on Human Rights, Article 6 of the African Charter on Human and Peoples Rights, Article 14 of the Arab Charter on Human Rights, Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 3. Right to freedom of expression, freedom to seek, receive, and impart information:** Non-partisan observation and monitoring of elections by citizen organizations have the right to freedom of expression, including the freedom to seek and receive electoral-related information and disseminate information, including election observation reports without intimidation or censorship. This right is guaranteed under Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 13 of the American Convention on Human Rights, Article 32 of the Arab Charter on Human Rights, Article 9 of the African Charter on Human and Peoples Rights and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

9 December 11, 2024 Report: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)039-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)039-e)

10 For further information see "**Promoting Legal Frameworks for Democratic Elections**", NDI, 2008

11 "Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association." HRC, General Comment 25, para. 8.

- 4. Right to freedom of association with other organizations:** Non-partisan election observation and monitoring by citizen organizations exercise the right of association which is central to the functioning of nongovernmental organizations as enshrined in Article 20 of the Universal Declaration of Human Rights, Article 20 of the International Covenant on Civil and Political Rights, Article 10 of the African Charter on Human and People's Rights, Article 11 of the European Charter on Human Rights and Fundamental Freedoms, Article 16 of the American Convention on Human Rights, Article 24 of the Arab Charter. Additionally, the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms recognizes the critical importance of international cooperation and the significant efforts of individuals, groups, and associations in effectively eliminating all human rights violations and infringements on fundamental freedoms. Article 1 of the Declaration affirms that every person, whether acting alone or in partnership with others, is entitled to advocate for and work towards protecting and realizing human rights and fundamental freedoms on national and international levels.
- 5. Right to fair and impartial hearing and effective administrative remedies:** Non-partisan election observation and monitoring by citizen organizations and observers have the right to a fair, equal, and public hearing conducted by an independent and impartial tribunal when their rights and obligations are adjudicated. This right is protected by Article 10 of the Universal Declaration of Human Rights, Article 14 of the International Covenant on Civil and Political Rights, Article 7 of the African Charter on Human and Peoples Rights, Article 6 of the European Charter on Human Rights, Article 47 of the EU Charter of Fundamental Rights and Article 8 American Convention on Human Rights. Additionally, Article 9 of the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms stipulates that every individual, both alone and in association with others, is entitled to effective remedies and protection in cases of human rights violations.

To confront this global challenge and identify meaningful interventions to support nonpartisan citizen observers better, GNDEM - with support from NDI - undertook a research project to better understand how nonpartisan citizen observers are able to exercise their rights as well as specific barriers that may affect observers' ability to do their work and how such barriers manifest could themselves in different contexts. This report aims to provide information to GNDEM and its regional networks to support their advocacy strategies to protect observer rights. Additionally, it will be a valuable resource for the broader elections and democracy community, offering insights into global challenges to observer rights.

### **III. RESEARCH METHODOLOGY**

GNDEM commissioned research on the status of observer rights globally as of 2024. A detailed questionnaire in English, French, and Spanish was sent out via online forms to more than 100 citizen election observation organizations that are GNDEM members and/or DoGP endorsers. The questionnaire captured information related to the recognition and status of observer rights in the legal framework, operational conditions, safety and security of citizen observation organizations and their members, accreditation processes, access to electoral information, association with like-minded organizations, cooperation with state institutions on implementing observer recommendations, and observer reports and statement publication. To ensure the survey captured observer experiences during relevant electoral moments, some questions ask about activities over the last 5 years reflecting the common length of electoral cycles around the world. In addition, eleven (11) key informant interviews were conducted with election experts in the Americas, Asia, Africa, Europe and Eurasia, and the Middle East.

The data analysis was based on key informant interviews and data from 66 civil society organizations in 53 countries globally and bolstered by case studies and ongoing incident tracking. Notably, some regions, such as Africa, have more countries reporting than others because they have more civil society organizations operating and engaging in election observation. In addition, in some countries, multiple citizen observation organizations responded to the questionnaire. GNDEM and NDI researchers reconciled any conflicts with national-level information provided in those cases.

Findings, best practices, and recommendations from the survey were presented and validated at a global meeting with citizen election observers in September 2024 in Bangkok, Thailand, which further contributed to the development and finalization of this report.

**DISTRIBUTION OF REPORTING COUNTRIES GLOBALLY**

Region	No. of Countries Contacted	No. of Countries Reporting	No. of Organizations Contacted	No. of Organizations Reporting	Countries reporting
Africa	33	18	98	25	Benin, Burkina Faso, Côte D'Ivoire, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Malawi, Mali, Mauritania, Nigeria, South Sudan, Tanzania, Uganda, Zambia, Zimbabwe
Asia	17	7	81	9	Bangladesh, Malaysia, Nepal, Philippines, Singapore, Sri Lanka, Thailand
Europe and Eurasia	21	14	51	14	Albania, Armenia, Azerbaijan, Bosnia Herzegovina, Croatia, Kosovo, Kyrgyzstan, Moldova, Montenegro, Poland, Serbia, Slovakia, Ukraine
Latin America	14	9	22	12	Brazil, Dominican Republic, Ecuador, Guatemala, Mexico, Uruguay, Colombia, Paraguay, Argentina
Middle East and North Africa	11	5	42	6	Iraq, Lebanon, Libya, Tunisia, Morocco
<b>Total</b>	<b>53</b>		<b>66</b>		

*For this initial study, over 300 organizations who are members of GNDEM (or the regional networks comprising GNDEM) from 98 countries from every region of the world were contacted to participate in the study.*

## DISTRIBUTION OF THE SURVEY RESPONDENTS



## IV. KEY FINDINGS

### 1. Legal Recognition and Barriers

#### *Recognition of the status of nonpartisan citizen observers in the legal framework*

Including nonpartisan citizen observers in the legal framework is crucial as it explicitly grants them the legitimacy to observe electoral processes. Unlike partisan observers, such as political party agents, nonpartisan citizen observers are not as consistently acknowledged in the legal frameworks in many countries. When the status of nonpartisan citizen election observation organizations is not recognized, they are reliant on the goodwill of EMBs to carry out their operations which can make observers more vulnerable to potential rights violations. According to the survey, 38 of the 53 respondent countries (71 percent), noted acknowledgment of nonpartisan citizen observers in their legal framework, either through the constitution, laws, or statutory regulations.<sup>12</sup> However, Asia was notably behind other regions in terms of recognition of nonpartisan citizen observers in the legal framework.

12 Examples of countries in which the status of nonpartisan citizen observers is **in both the constitution/laws and statutory regulations**: Albania, Philippines, Burkina Faso, Kenya, and Zimbabwe. Some countries in which the status of nonpartisan citizen observers is **only recognized in the constitution/Laws** included Bangladesh, Armenia, Moldova, and Guatemala. Examples where the status of nonpartisan citizen observers is **recognized in the statutory rules only**: Nepal, Benin, Argentina, Colombia, Kenya, and Ethiopia

It's also important to note that a country's acknowledgment of the status of nonpartisan citizen observers in the legal framework does not always ensure their unfettered rights. In fact, some countries where citizen observers are legally recognized also see accompanying provisions that seek to define, and in some cases, limit their role. This is why the rights of observers in particular should be enshrined clearly and unequivocally.

### ***Recognition of long-term observation in the legal framework***

Long-term nonpartisan citizen election observation allows observers to thoroughly analyze electoral processes throughout the electoral cycle and not just election day, leading to more informed assessments and recommendations. According to reported data, almost half of the fifty-three respondent countries recognize long-term citizen election observation in their legal framework. In countries where the legal framework explicitly acknowledges observation throughout the electoral cycle, EMBs may be more proactive in providing accreditation to citizen observers for the pre-and post-election processes, which can enhance access, offer more legitimacy to their work and findings and in turn provide protection to observers as legitimately performing their duty. However, the codification of long-term observation can also be used to limit access to processes and information that should be publicly available and not require specialized recognition or accreditation. In countries where the legal framework is silent on long-term observation, citizen observers may still be able to observe the periods before and after election day, subject to the cooperation of the EMBs.

### ***Enforcement of observer rights***

Protection of rights also includes the opportunity and mechanisms to seek redress in instances of breach. Legal frameworks should provide accessible and impartial mechanisms for observers to seek redress where their rights have been violated or where an interpretation of their rights is necessary. Consequently, citizen election observers should utilize these mechanisms to enforce their rights. Based on the data collected, this is not a common practice. Only fifteen<sup>13</sup> (or 22 percent) citizen election observation organizations, mainly in Asia and Europe, had taken legal measures in their countries to challenge the infringement of their rights.

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<sup>13</sup> Argentina, Azerbaijan, Armenia, Bosnia-Herzegovina, Brazil, Guatemala, Guinea, Kyrgyzstan, Mali, Mauritania, Nepal, Poland, Slovakia, Sri Lanka, and Ukraine

### **The European Court of Human Rights recognized a violation of the right to association by considering the complaint regarding the cancellation of EMDS' registration in Azerbaijan.**

In 2008, the Election Monitoring and Democracy Studies Center (EMDS) challenged its deregistration ordered by the Khatai District Court through a case filed by the Minister of Justice in Azerbaijan. In 2009, the organization applied to the Ministry of Justice for the state registration of the EMDS. However, the ministry returned the documents without deciding on registration. Subsequently, the applicants complained to the court about the legality of the ministry's action. They claimed that their right to association was violated. In parallel, the applicants addressed the deficiencies asserted by the ministry and applied for re-registration. The court rejected the petitioners' appeal, and the appellate court upheld that decision. On further appeal, the Supreme Court also upheld the appellate court's decision. Consequently, the applicants claimed before the European Court of Human Rights (ECtHR) that their right to freedom of association had been violated. The ECtHR ruled that the applicant's right to association (Article 11) and right to file an individual complaint (Article 34) had been violated.<sup>14</sup>

### ***Legal restrictions to the operations of citizen observation organizations***

The research data found that civil society organizations, including those conducting nonpartisan citizen election observation, increasingly face legal frameworks that include restrictive laws limiting their operations or funding; creating undue administrative burdens; or are otherwise weaponized to cancel or withhold organizational registration or accreditation. Among other challenges, 2024 saw the drafting or passage of legislation often referred to as "foreign agent laws" in several countries which significantly limit the ability of CSOs to receive foreign aid funds and work with international and cross-border organizations.

- Thirty-one organizations (or 47 percent) highlighted restrictions on civil society operations in their countries. Limitations highlighted include complex or burdensome registration and reporting requirements and foreign funding limitations. Asia ranks at the top (75 percent) in limiting the operations of civil society organizations.
- Five organizations (or 6 percent) also have experienced incidents in which their organizational registration was canceled or unduly withheld by the authorities in their countries. Notable countries are Tanzania, Uganda, Zimbabwe, Azerbaijan, and Morocco.

## ***Examples of legislative restrictions***

**Georgia:** Under foreign agent legislation modeled on an earlier Russian law, media and non-governmental organizations that receive over 20% of their funding from abroad must register as “organizations acting in the interest of a foreign power”, submit themselves to stringent audits, or face punitive fines. Similar legislation has also been seen in Azerbaijan and other countries in Eurasia, although this approach is also gaining traction in other regions.

**Kazakhstan:** In 2021, the Central Elections Commission promulgated a resolution requiring that only nongovernmental organizations that included election observation activities in their charter be authorized to have monitors in polling stations. That was a significant departure from the presidential elections in June 2019, when a wider array of NGOs were accredited to observe and who documented a substantial volume of fraudulent activity.

**Thailand:** The lèse majesté law – section 112 of the Criminal Code – makes it illegal to defame, insult or threaten the monarch. While not focused specifically on elections, the law has been used to silence voices critical of the government, and has had a chilling effect on observers to report on election-related challenges.

**Uganda:** The government has used NGO registration and licensing legislation to hinder the work of election observers. In 2020, four civil society organizations in Uganda had their bank accounts frozen because they were involved in establishing an election observation coalition. The government also banned the activities of the observation coalition, stating that it was not a registered NGO and that some of its over 40 members lacked operational licenses. The ban on the coalition and freezing of accounts disrupted CSO plans to observe elections jointly.

**Zimbabwe:** In 2023, the executive enacted the Patriotic Law, which criminalizes “wilfully injuring the sovereignty and national interest of Zimbabwe” and limits freedom of expression, peaceful assembly, and association fundamentally threatening the ability of citizen observers to exist and undertake observation.

## 2. Procedural and Operational Restrictions

### Access to accreditation

In many countries worldwide, observers must obtain accreditation from election management bodies to access information and observe electoral processes, particularly in controlled spaces such as registration centers, polling stations, and results collation centers. Where accreditation is necessary, it should be granted on time and without unfair discrimination or unreasonable restrictions to uphold observers' rights and ensure their access to the electoral processes. Navigating accreditation applications and credential distribution may be achievable for high-profile observer missions or those limited in size and scope, such as international observers who may also be viewed as a higher priority by host governments. However, the parameters, logistics and efficacy of the accreditation process set by EMBs can pose a significant challenge for nonpartisan citizen observers, who often deploy in much larger numbers and are located throughout the country. This despite that nonpartisan citizen observers have a fundamental right to observe their own elections that is distinct from international observers.

This research demonstrated a wildly varied accreditation environment across countries and regions, with most groups reporting at least some challenges in the accreditation process.

- **Clarity of accreditation procedures:** Sixteen organizations (or 24 percent) globally faced vague and difficult-to-access accreditation requirements. Many of these organizations were based in Africa and Asia.<sup>15</sup> In some cases, this referred to unresponsive EMBs, accreditation procedures not detailed or easy-to-find on public websites, lack of detail regarding necessary application materials, or changing, confusing or conflicting requirements.
- **Equal, objective, and consistent application of accreditation requirements:** Fifteen organizations (or 23 percent) globally noted accreditation requirements in their countries were not equally, objectively, and consistently applied to all observer groups during the most recent national elections.<sup>16</sup>
- **Denial or revocation of accreditation:** Ten organizations (or 15 percent) globally had experienced instances where accreditation was denied or revoked during the electoral process.<sup>17</sup> In some countries, groups also reported inconsistent or unclear notification of accreditation approval, with some groups being notified way too late or not at all. Justifications for denial were provided in some circumstances, while others were not. In several instances where justification was given - such as Tunisia - EMBs were given the discretion to determine which organizations they considered nonpartisan and therefore eligible to observe.

15 Examples include South Sudan, Tanzania, Azerbaijan, Nepal, Austria, Poland, Brazil, Guatemala

16 Examples include Malawi, Tanzania, Azerbaijan, Bangladesh, Austria, Brazil, Paraguay and Tunisia.

17 Examples include Cote D'Ivoire, Mali, Austria, Ukraine, Brazil and Uruguay.

- **Lack of appeal procedures for denial of accreditation:** The majority of respondents (thirty countries or 57 percent) noted a lack of clear procedures for organizations to appeal a denial of accreditation. Where countries reportedly had procedures for appeals, thirteen organizations had engaged the appeal processes, nine of which indicate that the appeal process was not transparent, participatory, or accountable. However, organizations in Mauritania, Ukraine, and the Dominican Republic stated satisfaction with the appeals process and final decision.
- **Single Accreditation throughout the electoral process vs. Multiple Accreditations:** An electoral cycle is long and may include a variety of processes, although they are all linked to the same election. Organizations may be approved as accredited observers for the entire process, but in some cases may be required to seek distinct credentials for specific electoral processes (such as voter registration, candidate nomination, etc), which can be burdensome. Fortunately the majority of countries in the survey (thirty-one countries or 58 percent) required only one accreditation for the organization covering all the aspects of the electoral process. However, twenty countries (or 38 percent) required organizations to apply for accreditation for every electoral process, such as voter registration, pre-election, and election-day observation.<sup>18</sup> Single accreditation allows citizen observer organizations to more seamlessly monitor the array of processes within an election without the need for reapplying to observe each stage.

### **Voter education accreditation**

Sometimes organizations are required to seek additional accreditation in order to conduct voter education activities. This undermines the right of citizens to seek, receive and impart information about the electoral process, and can introduce undue government control on voter information. While voter education accreditation was not explicitly explored in this survey, it is a topic worth further consideration and discussion.

<sup>18</sup> In Singapore and Slovakia there is no formal accreditation process in place for citizen observers, leaving four percent as "not applicable"

- **Generic vs. Unique Accreditation credentials:** Individual observers deployed during an election typically receive accreditation in one of two ways - either a **generic** credential that simply indicates that they are observing on behalf of the accredited organization, or they receive accreditation that is **unique** to the individual and may include their name, photo, organization and other details, and cannot be used by another observer. Because nonpartisan citizen observers deploy large numbers of individuals, credentials that are unique to a specific observer create an undue burden, requiring individual applications of possibly thousands of observers and the subsequent distribution of badges specific to each observer in order for them to gain access to polling stations. This may also create additional challenges for EMBs to accurately process and distribute unique credentials. Over half of the organizations globally (52 percent) receive unique credentials specific to the individual observer from the EMB, while forty-five percent of the organizations receive generic credentials.<sup>19</sup>
- **Required documentation to process organizational accreditation:** Even in cases where unique accreditation is required, most observer groups also have to be accredited at the organizational level. According to the survey, the primary documents required to accredit an organization include its Certificate of Incorporation (63 percent) and information about its leadership (56 percent). However, additional documents are also required as part of the accreditation application which varied by country such as (listed below), some of which are intrusive and burdensome to submit.

### ***Examples of intrusive and burdensome documentation for accreditation application***

- Hard copy list of observers with personal information (Bosnia-Herzegovina)
- Details from the civil registry on the proof of the registration of the organization (Croatia)
- Proof of sufficient resources for the observation mission (Guinea)
- Details of coalition membership and previous experience in election observation and monitoring (Lebanon)
- Organizational statutes specifying detailed objectives of democracy and human rights (Moldova)
- Audit reports and official organization's minutes (Nepal)
- Valid permit from the National Bureau for Non-governmental Organizations which has its own hurdles for registration (Uganda)
- Source of funding for the observation mission (Colombia)

<sup>19</sup> In Singapore and Slovakia there is no formal accreditation process in place for citizen observers, leaving three percent as "not applicable"

- **Required documentation to process individual observer accreditation:** There was some common documentation required across the countries to process observer accreditation in those cases where unique credentials are required. Most organizations must submit observer application forms, photographs of the observers, and copies or photos of national ID or registration card. However, some election authorities require additional documentation, including formally notarized documents, observers' curriculum vitae, legal undertakings, confidentiality statements, and proof of receiving training in election observation. Again, such documentation can be very challenging to acquire particularly for organizations that are recruiting and deploying large amounts of observers.
- **Costs associated with accreditation:** In some countries, such as Ghana and Zimbabwe, there are application or badge fees for accreditation. Even small fees present unwarranted burdens on citizens exercising freedom of expression and association and can create serious barriers to deploying large amounts of observers.
- **Timeframe for application:** Most nonpartisan citizen election observation organizations recruit, train, and deploy hundreds or even thousands of observers for different electoral processes, including election day. Thus, the timeframe for applications for accreditation should be sufficient to allow organizations to reasonably time given the numbers of observers. The window for accreditation should not close too far before election day, when recruitment of observers may still need to be ongoing. Generally, less than half of organizations (42 percent) noted that the timeframe to acquire accreditation before an electoral process was sufficient for them to apply, receive, and distribute credentials to observe critical stages of the electoral process. However, the timelines for applications vary. Thirty-four percent of countries in the survey required that applications be in less than two weeks to an electoral process. Other countries (36 percent) are required to be submitted between three to four weeks, while in some (25 percent) must submit applications more than a month to an electoral process, which often does not align with observer recruitment and training timelines, and presents challenges when trying to replace observers or manage last minute dropouts.

### HOW LONG BEFORE AN ELECTION ARE ACCREDITATION APPLICATIONS REQUIRED TO BE SUBMITTED IN YOUR COUNTRY?

Region	Less than 2 weeks	3-4 weeks	More than a month	Not Applicable
Africa	3	10	5	0
Asia	1	3	2	1
Europe & Eurasia	8	2	2	2
Latin America	4	3	2	0
Middle East & North Africa	2	1	2	0
<b>Total</b>	<b>18</b>	<b>19</b>	<b>13</b>	<b>3</b>
<b>Percent</b>	<b>34%</b>	<b>36%</b>	<b>25%</b>	<b>6%</b>

- **Timeliness and accuracy in credentials processing and distribution:** The survey data suggests a dichotomy in the election management bodies' timeliness in processing and distributing observer credentials. Half of country respondents (50 percent) said EMBs struggle to process and distribute credentials accurately and/or on time, while 47 percent noted EMBs do so accurately and on time. Those that reported that EMBs often failed to process and distribute credentials in a timely manner were almost always countries that had unique credentials for observers, confirming the challenges for EMBs noted above. Processing and distributing individual observer credentials requires precision and significant time - often when EMBs are also focused on preparing to conduct election processes themselves. Lags in an EMBs ability to process credentials - often as a result of the systems and procedures that they themselves created - can have a serious impact on the ability of election observers to organize and deploy, and can create strains on groups that deter them from other activities at the most critical moments just ahead of election day.

### ***Examples of legislative restrictions***

**Tanzania:** For both mainland Tanzania and Zanzibar, generally, the practice is nonpartisan citizen observers must apply for accreditation for each key electoral process. For example, accreditation for the voter registration process would be granted as a standalone accreditation, and different from accreditation for election day observation. For both processes, an organization would be accredited and required to submit individual observers' details for vetting and issuance of accreditation cards. In addition, it is not guaranteed that individuals nominated by accredited organizations will be accredited even if all application requirements are met. In 2020, the Zanzibar Election Commission (ZEC) tactfully delayed - essentially denying - the provision of accreditation badges for the election day observers of a noted credible citizen election observation organization.

**Tunisia:** In the lead up to the October 6, 2024 presidential election, the Independent Higher Authority for Elections' (ISIE) denied accreditation to several long-standing, credible election monitoring organizations, including iWatch and Mourakiboun. The ISIE pointed to "suspicious foreign funding" of the organizations for their decision, an accusation that was neither relevant to the current framework for accreditation, but also in line with trends in other countries to attack funding sources in order to suppress civil society. Despite the groups appealing the decision, the denial was stayed and resulted in the first election in

Tunisia to take place without the presence of the nonpartisan citizen observation organizations since 2011. The actions of the ISIE substantially compromised the credibility of the elections and hampered the rights of Tunisians to provide independent oversight over their country's own democratic processes.

**Zambia:** In 2021, weeks before the August general elections in Zambia, the Electoral Commission of Zambia (ECZ) released a series of revised accreditation requirements for citizen election observers that significantly hampered their ability to accredit observers across the country. Among the new regulations, citizen groups were required to provide evidence of at least three years of governance experience. Each individual observer had to complete a certified application form in triplicate and submit certified copies of each observer's national ID card. The adoption of these measures were in contrast to past elections when citizen groups were only required to submit the names, national ID numbers, and a non-certified application for observers, which dramatically increased the administrative and financial strain on groups and diverted attention away from observation in the runup to election day.

**Zimbabwe:** Ahead of the 2023 elections, citizen observer groups were charged \$10 for each observer to be accredited. For large-scale deployments, this would require groups to spend tens of thousands of dollars to exercise their fundamental rights to observe their own elections. Local and international media as well as international observers were also subject to accreditation fees, with non-African international observer missions being charged as much as \$400 per observer.

### 3. Violence, Intimidation, and Coercion

Security is a crucial factor enabling nonpartisan citizen election observation organizations to conduct election observation successfully. In the last five years, eighteen organizations (or 27 percent) noted security threats in their countries<sup>20</sup> that impacted their ability to observe elections. Additionally, citizen election observation organizations, their leadership, and observers have experienced violence, intimidation, coercion and state-sponsored discrediting campaigns during the line of duty in the last five years. This can have a chilling effect on civic participation around elections, and can significantly undermine the transparency of the electoral process. Notably, over the previous five years:

- Four organizations (or 6 percent) have experienced detention, imprisonment, or house arrest of board members and/or observers involved in election observation. These cases were reported in Africa and Latin America.<sup>21</sup>

<sup>20</sup> Notable cases include Benin, Kenya, Azerbaijan, Bosnia Herzegovina, Montenegro, Colombia, Mexico and Tunisia.

<sup>21</sup> Notable cases include: Tanzania, Zimbabwe, Uganda and Guatemala.

- Three organizations (or 5 percent) have had their offices, data centers, or property raided, destroyed, or vandalized.<sup>22</sup>
- Three organizations (or 5 percent) have experienced the destruction of personnel's personal property or home raids due to their involvement in election observation. Notable cases include Burkina Faso, Zimbabwe, and Ukraine.
- Twenty organizations, or 30 percent, have had their institutions or observers targeted by violence, intimidation, or harassment.<sup>23</sup>
- Twenty-four organizations (or 36 percent), mainly in Africa and Europe/Eurasia, have had their organizations or observers targeted by online harassment, threats, hate speech, or incitement to violence.<sup>24</sup>
- Nine organizations (or 14 percent) have experienced incidents where their members, board members, or observers were under government surveillance. Four of these incidents specifically targeted women leaders. All the reported cases were in Africa.<sup>25</sup>
- Four organizations (or 6 percent) reported that a member, a board member, or an observer had sought temporary refuge outside their home country due to their involvement in electoral processes.<sup>26</sup>
- Fifteen (or 23 percent) organizations had encountered state-sponsored organizations aimed at discrediting or undermining the legitimacy of credible citizen election observation organizations and labeling them as agents of foreign governments.

## ***Violence, intimidation and coercion of observers***

**Azerbaijan:** Since April 2024, prominent Azerbaijani human rights defender and the chairman of the Election Monitoring and Democracy Studies Center (EMDS), a non-governmental organization that conducts independent election monitoring and promotes civil and political rights in Azerbaijan, has been in detention without trial for his relentless work in championing electoral integrity. As of the publication of this report, his prosecution has continued, and his pre-trial detention has been extended.

**Mozambique:** In 2019, the head of the election observation group was shot dead as he left an election training session in the southern Gaza province.

22 Notable cases include Tanzania, Zimbabwe, Ukraine.

23 Examples: Ghana, Kenya, Azerbaijan, Nepal, Moldova, Serbia, Brazil, Guatemala, Iraq and Morocco.

24 Kosovo, Moldova, Gambia, Ghana, Azerbaijan, Bangladesh, Dominican Republic, Guatemala, Iraq and Morocco.

25 Kenya, Tanzania, Uganda, and Zimbabwe.

26 Tanzania, Zimbabwe, Azerbaijan, and Guatemala.

**Russia:** In 2023, a month before the scheduled elections, the chairperson of the Russian citizen observer group, Golos, was charged with running what the government considered an 'undesirable group.' As of the publication of this report, he was still detained with no indication of release. The charge included claims of the observation group's cooperation with other election-monitoring groups around the world.

**Zimbabwe:** On election night after the polls closed on 23 August 2023, armed police stormed the data center of two citizen observation groups and in the process, arrested and detained 39 members of staff and volunteers and confiscation of all their observation and office equipment.

### **Intimidation and Harassment of election observers has also, in some instances, taken a gendered dimension, specifically targeting women.**

**Georgia:** Ahead of the 2024 elections in Georgia, the home of the head of the largest citizen election observation group in Georgia was vandalized, and threats were made to her and her family because of her position and leadership in citizen election monitoring efforts. The group was also the target of an aggressive and sustained discrediting campaign - both online and in traditional media - by the ruling party.

**Sierra Leone:** After the largest citizen election observation group in Sierra Leone published their findings on the 2023 elections, leaders of the observation group suffered intimidation and harassment, and many fled the country. However, the head of the organization, a woman, faced additional harassment by state-sponsored organizations and media outlets who continuously led a disinformation campaign against her as a person. Public-facing women in Sierra Leone continue to **face an increased risk of harassment**, threats, and intimidation, as well as targeted efforts to push them out of key public spaces and censor/diminish their voices both online and offline.

Networks like GNDEM have been tracking and documenting these kinds of incidents. To report an incident, email [gndem09@gmail.com](mailto:gndem09@gmail.com) and view the incident tracker at [gndem.org](http://gndem.org).

## **4. Freedom of Movement, Information and Expression**

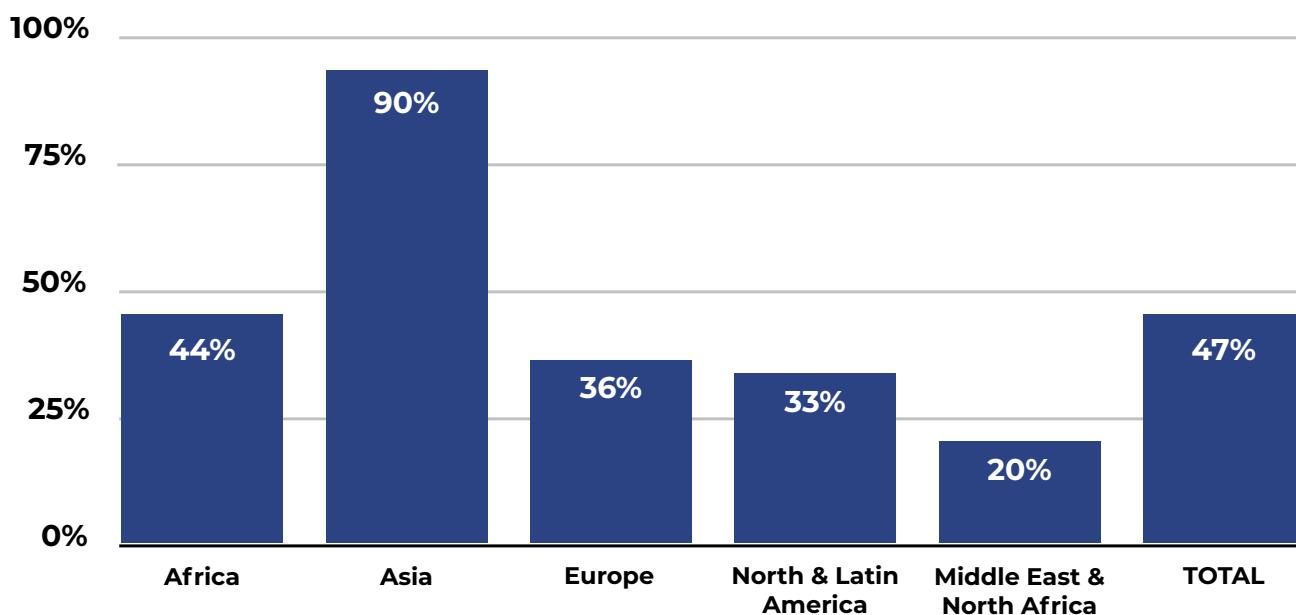
### ***Deployment restrictions***

As part of freedom of movement, observer groups have the right to deploy to any polling station in the country, which helps promote both transparency and accountability in the electoral process regardless of location. However in 47 percent of countries that responded to the survey, restrictions are imposed on citizen election observation organizations regarding the location and manner in which observers can be deployed. These restrictions may be outlined in the legal framework, election regulations, or observer guidelines. They include requirements such as observers needing to be registered for the polling station they are observing, being assigned their deployment location by the EMB, being limited to a specific region or district, not being allowed to observe at polling stations where they are registered voters, or needing to notify the EMB of their deployment plan in advance.

Deployment restrictions limit citizen observers' ability to observe and collect information on the electoral process systematically including conducting sample-based observation like Process and Results Verification for Transparency (PRVTs)<sup>27</sup> that provide a more comprehensive and accurate assessment of the electoral process. Even more concerning, information about observer deployment plans - including which polling stations will and will not have observers - can be exploited by bad faith actors seeking to rig elections.

### **Observer Deployment Restrictions**

Are there deployment restrictions determining where and how citizen election observers may deploy?



<sup>27</sup> PRVTs, previously known as Parallel Vote Tabulation (PVT), rely on deploying observers to a representative random sample of polling stations in order to independently verify both election day processes and results to make the election more transparent for all stakeholders.

EMBs have also introduced other deployment restrictions that could undermine a PRVT, for instance, not allowing observers to remain at the polling station throughout the day and instead requiring all observers to be “mobile”. However “stationary” observation - in which an observer remains at the same polling station all day from opening to closing and counting - is necessary to verify the integrity of the ballot box throughout the entire day, provides higher quality information about the election day process, and can create stronger deterrents to fraud.

### ***Examples of deployment restrictions:***

**Nepal:** Rules by the Electoral Commission of Nepal (ECN) do not allow observers to be deployed to the polling station at which they are registered. This creates both methodological and financial challenges for election monitoring organizations, who have to use more resources to move observers to polling stations away from where they reside. This also makes it more difficult to employ sophisticated monitoring methodologies like PRVTs, where locally-recruited observers are often needed to cover sample points, particularly in hard to reach places or insular communities.

**Tanzania:** The Electoral Commission in mainland Tanzania only provides accreditation for voter registration and election day, but there is no specific prohibition in law or guidelines for deploying observers during other pre-election processes, who may collect a larger swath of publicly-available information and monitor the pre-election environment more generally, such as the status of political campaigns, electoral violence, etc. However in 2020, one of the largest observation groups in Tanzania had to recall their LTOs who had already been deployed after being questioned by the Election Commission on their LTO's accreditation status.

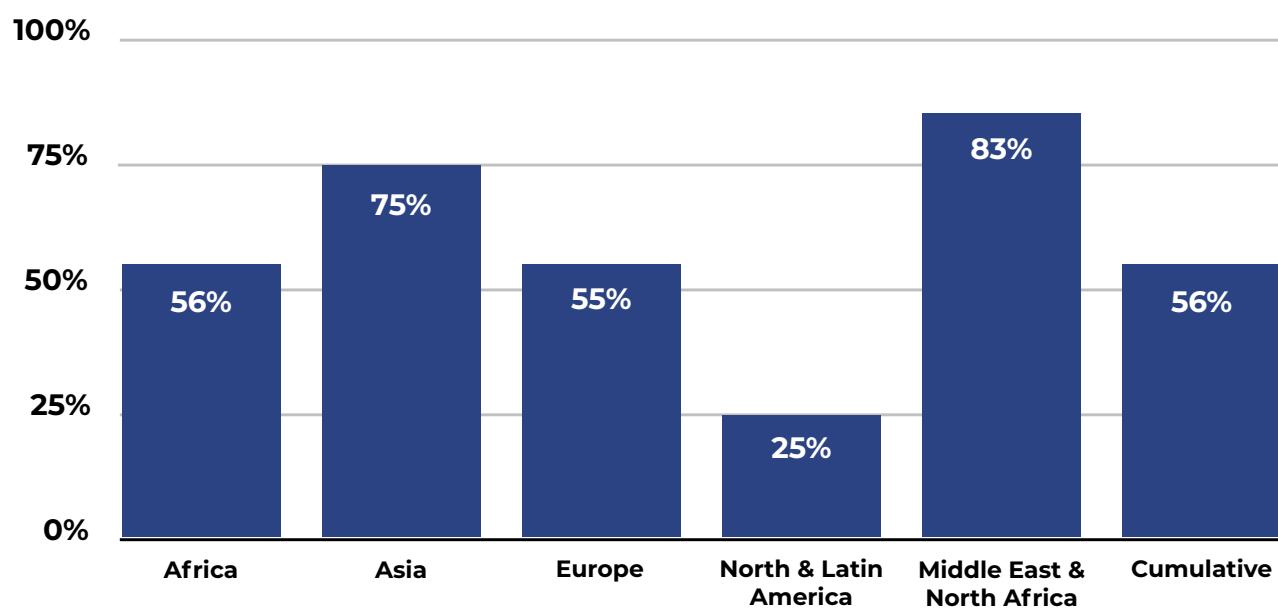
**Zanzibar:** Amendments to the Electoral Act in Zanzibar in 2018 substantially expanded the requirements for domestic observer accreditation to include a clause that the Zanzibar Election Commission (ZEC) “shall allocate each observer (a) specific location to undertake activities...” In practice, for the 2020 elections, the electoral commission of Zanzibar allocated observers constituencies for observing in and color-coded accreditation badges to limit observers from observing in constituencies they had not been assigned, essentially curtailing observer groups ability to develop systematic deployment plans that can provide stronger data on the electoral process.

## Access to electoral-related information

For observation to be comprehensive and effective, nonpartisan citizen observers need information about various electoral processes. EMBs and other governmental authorities should ensure electoral transparency by providing timely access to information and allowing scrutiny of electoral-related activities. **Open electoral data** is crucial to fostering accountability, a fundamental electoral integrity principle.<sup>28</sup> However access to information remains a significant challenge for election observation worldwide. In the past five years, 37 organizations (or 56 percent) reported they could not access key election-related data and information, such as polling station level results, polling station lists, and other large datasets in machine-readable formats (such as CSV files). Other datasets that were impossible to access included voter registers, political parties financing disclosures, and candidates' campaign finance reports. The most problematic region is the Middle East and North Africa where 83 percent of organizations lacked access, followed by Asia (75 percent), Africa (56 percent), Europe and Eurasia (55 percent), and Latin America (25 percent).

## Access to election-related information

In the last five years, has your organization ever been prevented from accessing election-related information.



28 <https://openelectiondata.net/>

## **Access to communications**

Citizen observation organizations have also experienced government-imposed telecommunication restrictions that can prevent them from collecting data quickly and efficiently. This includes bans on using shortcodes and satellite internet, and in some cases even throttling or shutting down the internet during crucial electoral moments. These challenges were noted by organizations in Africa, Asia, and the Middle East and North Africa regions. Groups have also experienced challenges in being able to take mobile phones into polling stations which also limits their ability to rapidly report findings and incidents.

## ***Publication of election observation reports***

Nonpartisan election observation and monitoring by citizen organizations includes the responsibility to issue regular public reports, statements, and releases that are accurate, impartial, and timely and that present observations, analysis, findings, and recommendations for improving electoral processes. Most countries' legal frameworks (91 percent) allow for unfettered publication of election observation reports and statements throughout the electoral cycle. However, a few countries limit the publication of reports,<sup>29</sup> including ten organizations (or 15 percent) being required to submit a draft report to the electoral management body before publication.

In 60 percent countries, the framework does not permit the release of observation findings before the official announcement by the EMBs, most of these countries being in Africa. While no election observation groups release "official" results, these laws could be interpreted to prevent projections from samples like PRVTs, and subsequently have been used to control when and how election monitors release findings. A few organizations reported being asked to sign a Memorandum of Understanding with the EMB directly related to releasing their final observation reports, including if, how, and when reports are made public.

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<sup>29</sup> South Sudan, Ethiopia, Uganda, Tanzania, Morocco, Bangladesh, Singapore, Austria, Brazil and Uruguay.

### ***Examples of restrictions on freedom of expression***

**Kazakhstan:** Since 2021, over thirteen NGOs, including those involved in election observation, have been fined after reporting on electoral irregularities. Dubious and unsubstantiated accusations about financial reporting were often the justification of fines that otherwise appear to be politically reactive in nature.

**Tanzania:** The Statistics Act, the Cybercrimes Act, and the Electronic and Postal Communications Regulations – in addition to Tanzania necessitating permits for many types of research – discourage CSOs from collecting and presenting election-related data and analysis. For example, selective interpretation of the Cybercrimes Act in 2015 led to a raid on an election monitoring consortium's data center just days after the election.

## **5. Freedom of Association with Other Organizations**

Coalition building and association with like-minded actors is crucial for the effective functioning of citizen election observation organizations. These organizations connect and collaborate with similar groups to gather and deploy large numbers of observers, tap into expertise beyond their own, broaden the inclusivity of their observations, and amplify their findings and recommendations. Survey research indicates that over the last five years, organizations in Tanzania, Uganda, Singapore, and Uruguay have been prohibited from forming alliances or joining coalitions with like-minded organizations, hindering comprehensive citizen election observation. Furthermore, organizations reported restrictions on nonpartisan citizen observers from engaging with international observers in Mauritania, Tanzania, Zimbabwe, Malaysia, and Singapore. It's important to note that these restrictions are sometimes mandated by the legal framework or self-imposed by the organizations due to fear of repercussions.

Citizen election observation organizations also diligently seek to cooperate with impartial election officials and follow lawful instructions from them or other appropriate authorities regarding protecting electoral integrity. Whereas this cooperation is well-established in many countries and continues to be mutually beneficial, seven organizations from Azerbaijan, Bosnia-Herzegovina, Tanzania, Uganda, and Zimbabwe noted resistance to good faith collaboration by state institutions.

## 6. Emerging and Compounding Threats

Throughout this research there were additional emerging and compounding threats that continue to hinder the practice and effectiveness of citizen observation as highlighted by respondents and key informants. This includes:

**Fake Observers:** Fake observation is observation that does not follow genuine principles, methodology or necessary independence. Sometimes called 'zombie observers', 'partisan observers' or GONGOs<sup>30</sup>, fake observer groups don't seek to collect and analyze meaningful information about the electoral process, and often may be aligned with the ruling party. Fake observer groups are often serving the interests of domestic political actors and/or foreign governments. By imitating credible election monitoring during electoral processes, they confuse the information space making it difficult for average citizens to discern what electoral findings are the result of credible observation or not. Fake observers can overwhelm the accreditation process or drown out the voices of credible observers. In some cases, fake observers have also been used to intimidate voters with their presence in polling stations since they are often not representing trusted bodies. They are often used to discredit credible observers' findings by publishing reports that undermine their conclusions, and may often be a part of larger efforts to undercut the role of genuine nonpartisan groups.

This phenomenon has been most prevalent in Europe and Eurasia but is increasingly appearing in Africa, Latin America and Asia. The European Platform for Democratic Elections (EPDE) has consolidated and continues to update a **database** of fake election observers operating in Europe.

**Discrediting Narratives:** There has been a rise in false information campaigns targeting reputable citizen election observation groups and their observation methodologies. These campaigns are often state-sponsored and can occur before and after elections and aim to undermine these groups' credibility and/or leadership. In some cases, organizations have even faced ostracization and/or have been unable to secure funding or continue their work as a result of such campaigns. The increasing use of social media in election-related messaging has fueled these narratives and aided in their effectiveness. While some social media platforms have reportedly started cracking down on the harassment of observers online,<sup>31</sup> bad actors continue to utilize these and other avenues to discredit nonpartisan groups and further control the information space around elections.

**Weaponization of New Technology:** Similarly, authoritarian actors are increasingly using technology to undermine credible observation and control the political space. This includes increased threats of throttling internet access, cybersecurity attacks on internal systems and external websites, and using surveillance technologies to track

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<sup>30</sup> GONGO: Government-organized non-governmental organization

<sup>31</sup> In March 2024, TikTok announced that it would consider harassment of election observers part of "violating content" as part of its electoral integrity policies. At the publication of this report, it remained the only platform to explicitly include election observers as a protected category in its electoral integrity policies.

<https://ads.tiktok.com/business/en-GB/blog/protecting-election-integrity-on-tiktok?redirected=1>

and discourage dissent. Mass surveillance like facial recognition and government biometrics is becoming more common, while there have been specific incidents of the tracking of civil society watchdogs through spyware software often installed on mobile phones. Nonpartisan citizen observers are particularly vulnerable to such surveillance given the high-profile role they play in building transparency, providing credible information to the public and holding institutions accountable.

**Lack of Sustainable Funding:** Funding for democracy and governance assistance can be unpredictable, event-based (such as an election), and lacking in core operational support. Observation funding sometimes comes late, close to an election, requiring groups to augment observation strategies and sometimes even objectives to meet last minute donor priorities. Reductions in stable funding mechanisms is affecting citizen election observers' ability to engage fully throughout the electoral cycle as both democratic safeguards and advocates. A whole electoral cycle funding approach is critical to ensuring local sustainability that supports citizen observers to systematically monitor election day and pre-election processes – mainly as malign actors are increasingly focusing their manipulation efforts ahead of voting day – and, in the inter-election period, conduct reform advocacy and potentially use their methodologies to oversee other governance and public service processes. Restrictive budgets also limit organizations' ability to appropriately respond to evolving threats to observer rights, such as updating cybersecurity, strategic communications and legal capacity and systems.

## V. Existing Opportunities and Best Practices

Several best practices and opportunities have been identified that can be leveraged to decrease barriers to citizen election observation successfully.

**Sustained Advocacy Efforts and Electoral Reform:** One of the significant strengths of citizen election observation is its ability to shift focus after the election towards advocating for the implementation of evidence-based observation recommendations, including law reform to strengthen future electoral processes. Sustained advocacy also provides an opportunity to update electoral codes and regulations, allowing observers more space and access as crucial defenders of electoral rights.

Survey data from over 70 percent of the organizations indicated that state institutions, including EMBs, security services, lawmakers, and the judiciary, were open to receiving and implementing recommendations from both citizen election observers and international observers. This provides an opportunity for reform, including transparency and observer access.

## ***Advocacy and reforms***

Some notable legal reforms have been successful in effectively improving access and opportunities for nonpartisan citizen election observation, such as:

- In Ethiopia, the Charities and Societies Proclamation prohibited any NGO or CSO that receives more than 10% of its funding from foreign sources from participating in the electoral process. However, a new CSO law, Organisation of Civil Society Proclamations no. 1113/19, has removed these restrictions.
- In Armenia, reforms have been implemented to allow two observers to be present at a polling station and to allow observers to be accredited online, improving the accessibility of the accreditation process.
- In Iraq, reforms have allowed for long-term observation throughout the electoral cycle, increasing the ability of citizen observers to monitor the larger electoral process outside of just election day and provide stronger findings and recommendations to citizens and stakeholders.
- In Kenya, election regulations have been reformed to eliminate the requirement that observers swear an oath of secrecy which limited observers' right to disseminating information and often created confusion for individual observers regarding their role in monitoring and reporting.
- In Poland, election observation was not allowed until 2018, when reforms were conducted. However, there is now more push to expand the rights of citizen observers.
- In Ukraine, observers from public organizations were added to the list of subjects of the election process through legal amendment No. 4061-VI dated 17.11.2011, thus enhancing legitimacy of operations for non partisan citizen election monitoring bodies.
- In Colombia, electoral observation was included in the Electoral Code, which codified the role of citizen observers in the electoral process.

**Regional Peer Support amongst Citizen Observers:** Citizen election observers are increasingly forming networks and collaborating across borders. These collaborations have brought regional and international attention to significant challenges faced by citizen observers in a particular country, particularly in situations where the ability of observers to speak up beyond their borders is limited. Collaborative support has also led to innovation in observing and reporting on elections in countries under threat. For example, in East Africa, there are examples of sister citizen observation organizations receiving information about a country's electoral process and sharing this information externally, in a context where the citizen observation group within the country was unable to do so due to denial of accreditation and threats to its existence.

**Relationships and Alliances with Other Stakeholders:** Many observer groups noted that success in protecting and advancing civic space for observation often required strategic partnerships beyond election observers, such as with other civic leaders, media and journalists, human rights organizations, business actors and/or academics. All citizens should have an interest in transparent elections and can be mobilized around this cause if properly organized and informed.

**Support from International Election Observation Missions:** Election observation missions fielded by intergovernmental organizations such as the African Union and the European Union have played a crucial role in reducing or confronting the barriers faced by citizen election observers. The heads of these missions have used diplomacy to identify and bring attention to the obstacles encountered by citizen observers during their pre-election assessment missions. They have also intervened to highlight the challenges citizen observers face and have engaged directly with national governments to protect their rights. In 2022, international election observers and GNDEM supported a [joint communique](#) reinforcing the importance of cooperation at the annual implementation meeting of the Declaration of Principles for International Election Observation.

**Utilizing Regional and International Human Rights Fora and Networks:** The designation of election observers as human rights defenders by UN special rapporteurs, the Inter-American Commission on Human Rights and the Venice Commission culminated in extensive advocacy efforts by election observation groups, including identifying and working with champions within these institutions. This critical development creates momentum for further progress in protecting the rights of election observers. It also offers a model that can be emulated by other regional human rights bodies to acknowledge and address the distinct challenges faced by observers in their respective regions, along with the need for intentional efforts to recognize and safeguard their rights.

## ***Collaboration and solidarity in Zimbabwe***

Following the raid and detention of nonpartisan citizen observers on election night in August 2023, international and regional observation missions in Zimbabwe coordinated to respond to the issue.<sup>32</sup> The observation assessments themselves cited the raid as a major blow to the integrity of the elections while, behind the scenes, mission leaders used diplomatic channels to encourage the release of the observers. In addition, African regional networks of citizen observers quickly mobilized to draw attention to the arrests, including releasing statements and starting a social media campaign. Solidarity statements from other regional citizen observation networks - including those in Latin America, Europe, MENA and Asia - also followed, as well as advocacy from GNDEM. The raid received coverage in regional and international media, placing a clear pall on the elections. While the 2023 Harmonized Elections in Zimbabwe remain an extreme example of government repression of citizen observers, they also tested the strength of regional and international support and rapid response.

## **VI. RECOMMENDATIONS**

The quest to secure recognition and safeguard for the rights of citizen election observers requires significant engagement, investment, and time. As the first study on the state of citizen election observers' rights, the following priority recommendations are made:

**Standardizing observer rights in the legal framework:** While some countries recognize citizen election observation in their legal frameworks, very few specify the exact rights of citizen observers. Consolidating and using observer rights language that is rooted in international and regional standards for elections can better define and protect the rights of citizen observers. Documents such as the **Model Commitments for Advancing Genuine and Credible Elections** provide a strong basis and could be used to strengthen legal frameworks for observers. It can also serve as an advocacy tool to champion the rights of citizen observers nationally, regionally, and globally.

**Building consensus around model accreditation considerations for citizen election observers:** Findings from this study highlight the continued obstacle that accreditation presents for citizen election observers. Through this research and subsequent validation meetings, GNDEM in partnership with NDI, has begun consolidating feedback from citizen observers in the annex document "Best Practices for EMBS: Creating Practical Guidelines for the Accreditation of Citizen Election Observers." This draft document attempts to articulate standardized accreditation

<sup>32</sup> For example, in its **preliminary statement** the African Union stated it was "deeply concerned about the arrest of civil society actors and the confiscation of computers and documents from the Election Resource Centre and Zimbabwe Election Support Network."

guidelines and best practices for consideration and adoption by EMBs to reduce restrictions on effective citizen election observation.

**Pivoting from recognition to protection of rights:** The efforts made by the UN Special Rapporteurs, the Inter-American Commission on Human Rights and the Venice Commission in advancing observer rights presents an opportunity to put pressure on regional and global bodies to do more to improve the protection of observer rights, including holding member states accountable. In addition, this highlights the necessity for similar recognition and norms-building in Africa and Asia.

**Bolster national, regional, and international justice systems:** Efforts should be made to strengthen national, regional, and international justice systems to prevent citizen election observers' rights violations. This may include more advocacy with electoral justice networks and rule of law bodies that do capacity building with judges and prosecutors. A strong justice system acts as a deterrent to governments infringing upon the rights of citizen election observation groups.

**Long-term engagement with EMBs and other electoral and political actors at the national and local level to understand and appreciate citizen elections:** Building constructive relationships with election officials and political actors can help sensitize them to the practice, principles, and operations of credible citizen election observation. Identifying and cultivating communications with sympathetic members of an EMB or government can help reduce tensions and increase avenues for reform. Citizen election observation organizations in particular should popularize the DoGP, recent human rights documents, international standards, and model commitments as part of their efforts to clarify the role of citizen election observation. In addition groups can highlight how effective election observation helps boost confidence in election administration and the transparency of the process.

**Observer rights in electoral integrity assessments:** Both international and citizen election observers should prioritize including an analysis of observer access and rights as part of the electoral assessments, as it has critical implications for the transparency and credibility of an electoral process. While this may feel awkward for citizen observers as this often relies on reporting on their own experiences, groups should flag any challenges with accreditation, access, or other restrictions they encounter in their observation statements. By linking these challenges to electoral integrity, groups can be empowered to highlight any problems they face and demonstrate why this is relevant for all citizens.

**Structured engagement with journalists as champions to amplify threats to citizen observer rights:** Many violations of citizen observer rights go unreported or are reported as isolated incidents, which minimizes the true extent of the situation. Additionally, in some places journalists and media houses have also played a role in amplifying discrediting campaigns or otherwise skewing the information environment. Identifying national and international journalists to act as champions for tracking and highlighting violations of citizen observer rights will bring greater attention and understanding to these issues, even in places experiencing media capture or censorship at the local level.

**Enhance networking opportunities and strategic partnerships with various stakeholders and international and regional forums:** Citizen observers should continue to improve coordination with international election observers, including through the Declaration of Principles (DoP) community, as well as other forums to increase recognition of and resilience to this challenge. Observers could also consider links to international and regional legal forums, judicial networks, and human rights defenders to make sure observer rights are featured on relevant agendas. At the local and regional level, groups should consider building relationships and expanding alliances with journalists or media houses, lawyers, human rights groups, businesses, academics and other stakeholders that could be impacted by eroding civic space.

**Consolidate sustainable and flexible funding for citizen election observation:** To protect democracy, development partners must actively secure and maintain reliable and flexible funding for citizen election observation with a whole of electoral cycle approach. This funding will greatly enhance the ability of citizen election observers to address current and emerging electoral challenges and advocate for and protect their rights. This includes allocating core funding between elections to ensure long-term sustainability of observer organizations and apply observation methodologies for oversight of other governance and public service processes as well as providing additional security for observers, securing safe houses, and covering legal fees when necessary.

**Invest in and use strategic communications to fight observer pushback:** Groups may need to adjust budgets and resources to prioritize strategic communications to confront observer restrictions and rally support. This may include more targeted voter education campaigns rooted in observers' rights and the importance of electoral transparency and making specific 'calls to action' that go beyond voter education. Strong communications can also be critical in discerning between credible and non-credible/fake observers, and to de-bunk and counter discrediting campaigns.

# DRAFT BEST PRACTICES FOR EMBS: CREATING PRACTICAL GUIDELINES FOR THE ACCREDITATION OF CITIZEN ELECTION OBSERVERS

## *Guidance by Citizen Election Observers*

### Introduction

Accreditation originally was the process by which election management bodies (EMBs) provide access to “controlled spaces”, such as polling stations on election day or voter registration centers, not only for election observers, including citizen election observers, but also journalists and other elections stakeholders. Citizen observers also differ greatly from international observers and other stakeholders in terms of their numbers, their resources and their rights as citizens to take part in their own elections. As such it is an important procedure to ensure the orderly conduct of elections while promoting participation, transparency and accountability.

While accreditation by EMBS is an administrative process, it can significantly impact citizen election observers’ ability to execute their duties and safeguard the elections. Over the years, accreditation regulations and procedures have grown more complex, burdensome, or in some cases, politicized, which can restrict their **fundamental right** to participate in the election process. They have also frequently created challenges for EMBS themselves resulting, at times, in delayed or scrambled accreditation. Further the expansion of accreditation beyond a requirement only for access to polling stations and other “controlled spaces”, can further limit basic rights to seek, receive and impart information.

There is growing consensus among citizen election observers - through their regional and international networks - for greater understanding and standards for accreditation that promotes participation, access, and transparency and ensures credible election observers can sufficiently observe the entire electoral process. **Legal and administrative guidelines regulating observers should strive to protect and promote the roles and rights of observers while introducing only the necessary administrative procedures required to maintain order in the election process.** Such principles are highlighted in the [\*\*Declaration of the Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations\*\*](#) and supported by the Global Network of Domestic Election Monitors (GNDEM). Building on this shared solidarity, the following best practices were developed in consultation with citizen election observers around the world with the hope of providing EMBS practical recommendations.

## **Guidelines for accreditation processes**

Requirements for accreditation are ultimately defined by the legal framework, secondary regulations and EMBs themselves. However, as accreditation procedures and systems are established, reviewed or updated, EMBs should consult with citizen observers to ensure that they are not overly burdensome and that they achieve their intended goals.

### ***Reducing logistical barriers and burdensome requirements***

Some EMBs implement accreditation procedures that are in practice logically difficult for citizen observers to abide by, particularly given the large number of volunteers citizen observers often recruit and process. Accreditation at the individual level - requiring groups to seek special and unique accreditation for each and every observer - can make it difficult to recruit or replace observers, and presents operational challenges that can threaten the entire observation effort, usually when groups are at the busiest time. In addition some EMBs apply overly strict or burdensome prerequisites or application procedures for observers that make it difficult for citizen observers to recruit volunteers. While these practices may be appropriate for international observers who are small in number and all of whom are initially based in the capital, such procedures are extremely challenging for citizen observers who are far greater in number and reside nationwide.

- EMBs should also avoid compelling citizen observers to apply for accreditation at different aspects throughout the electoral cycle (ie: voter registration, campaigning, election day, dispute monitoring, etc) and instead allow for blanket accreditation.
- EMBs should allow for citizen observation groups to apply for accreditation as an organization instead of every individual, which can be burdensome for observer groups to compile.
  - ▷ If individual accreditation remains necessary, applications should only include the minimum information necessary to conduct an orderly process and should be designed with what is easiest for organizations with several thousand observers to reasonably handle. Groups should not have to procure detailed information, background or notarized documents, photographs or hard copies for every observer.
  - ▷ Citizen observers should not have to present themselves in person to the EMB in order to be accredited.
- EMBs should simplify and reduce the requirements for citizen observers to apply for accreditation. These requirements should not include minimum levels of previous experience as observers, education levels, or documents that require observers to visit other stakeholders.
- Accreditation applications should not require specialized software or other proprietary tools that can create barriers to submission by citizen observation organizations.

- There should be no financial burden for citizen observers associated with accreditation; this includes any formal fees to apply for accreditation as well as having to procure special equipment or software in order to complete the accreditation process.

### ***Supporting freedom of expression and movement***

Some accreditation procedures come with restrictions that limit what citizen observers can do, which can undermine their methodology, deployment plans, and the quality of their monitoring efforts.

- EMBs should avoid placing restrictions on the overall number of accredited citizen observers (or the number of citizen observers in a geographic area) and/or their movement. These limitations undermine observer deployment methodologies, and can seriously affect the ability of citizen observers to deploy.
- EMBs should avoid imposing conditions on citizen observer reporting and public statements. These restrictions impact citizen observers' ability to publish and disseminate findings, and violate the right to expression and access to information.
- EMBs should avoid the use of memorandums of understanding (MOUs) with citizen observers as a requirement for accreditation or access to other aspects of the process, which in many contexts jeopardizes the credibility of citizen observers' efforts.
- EMBs should only require accreditation for access to "controlled spaces", such as polling stations or registration centers. Accreditation is unnecessary for observation of public information and processes.<sup>33</sup>

### ***Reasonable timing for accreditation***

Many citizen observer groups have experienced timing barriers around the accreditation process. This can include accreditation windows that are too short for groups to effectively meet them, windows that close too far in advance of election day when groups may not yet have recruited all their observers, or processes that open too late in the election cycle when groups are overwhelmed with other activities.

- EMBs should provide information on accreditation procedures well in advance to the accreditation window to ensure citizen observers are able to comply with regulations.
- EMBs should provide sufficient window of time for citizen observers to compile and submit accreditation requests, and if necessary to correct

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<sup>33</sup> Some EMBs also require accreditation for groups to conduct voter education, which contravenes freedom of expression and freedom of information principles, and can weaken voter education efforts.

denied accreditations, and for the EMB to successfully process and distribute accreditations.

- Accreditation windows should seek to fit the cadence of citizen observer recruitment, for instance, not be closing too early in the pre-election period, before many groups have had time to recruit and train observers.

### ***Improving transparency, clarity and redress***

EMBs may not have clear, consistent or transparent accreditation procedures or documentation, or processes that change often, which makes it difficult for citizen observers to prepare to apply for credentials, and appeal decisions.

- EMBs should provide clear and easily accessible rules, procedures, and documents for accreditation
- EMBs should provide speedy response to accreditation applications, and be required to alert applicants if their accreditation has been denied in a timely manner.
- EMBs should provide specific reasons for rejections or denied accreditations and efficient avenues of redress.

### ***Improving internal processing***

An EMB's ability to technically execute their own accreditation process - for instance how quickly they can approve applications and develop and deploy accreditation badges (or other necessary identification) - can also make or break an election day observation. Election officials with limited training, resources or equipment to meet accreditation demands can significantly impede the process. Late arriving, incorrect, or missing accreditation badges have impacted the quality and quantity of several recent citizen election monitoring efforts. This is particularly true for EMBs that insist on individual-level accreditation.

- EMBs should invest resources and time into their own internal accreditation mechanisms to ensure that they are able to process and deliver credentials quickly and accurately.
- EMBs should not implement complicated requirements, time tables, and procedures for citizen observers that they themselves lack the capacity to meet.
- EMBs should reduce their own processing burden by producing generic accreditation badges for citizen observers with only the name of the organization, as mentioned above.

### ***Equal treatment of electoral stakeholders***

EMBs often deal with various stakeholders, many of whom will also request accreditation. Unequal application of accreditation procedures can raise questions about the politicization of the accreditation process and undermine confidence in the EMB.

- EMBs should apply accreditation requirements equally and consistently to all applicants, including various citizen election monitoring organizations.
- Citizen election observers should be treated with the same efficiency and preference as other electoral applicants, including party agents, the media or international election observers.

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