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Department of Foreign Affairs
and International Trade

CANADA

Ministère des Affaires étrangères
et du Commerce international

# Workshop on Election Observation

# Atelier portant sur la supervision du processus électoral

July/juillet
1997

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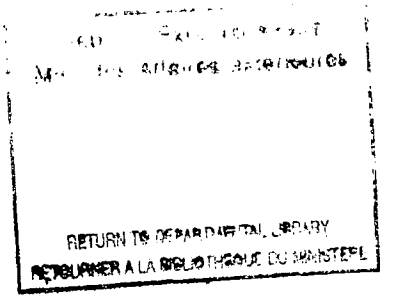

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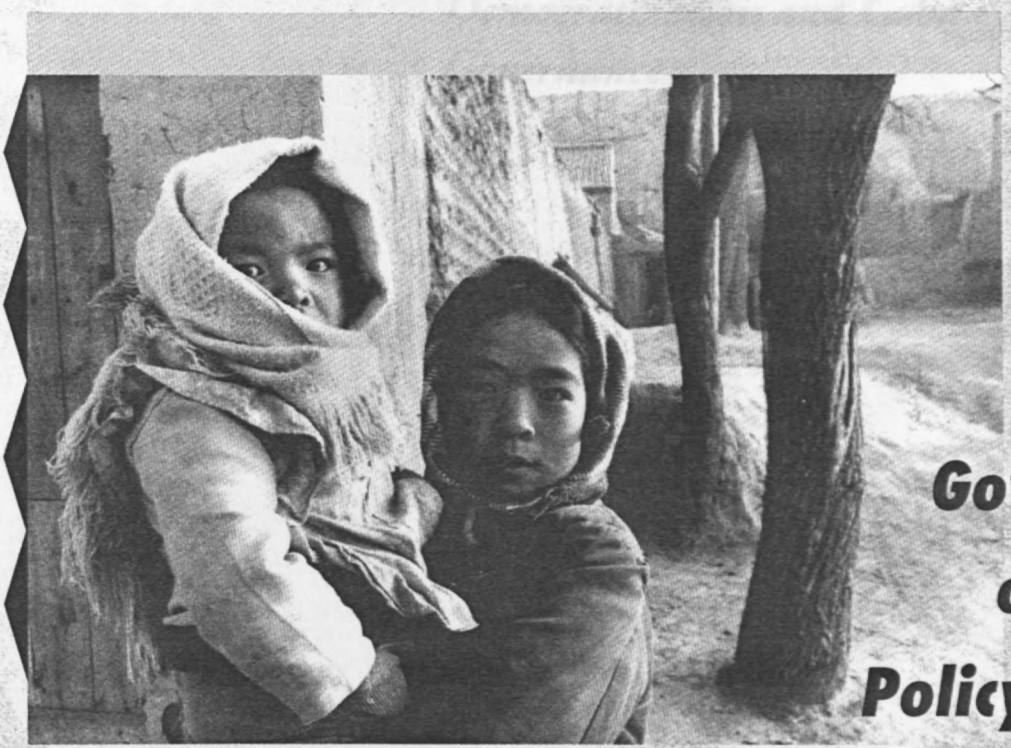

# Government of Canada Policy for CIDA on Human Rights, Democratization and Good Governance

Canadian International Development Agency
Agence canadienne de développement international

*Version française disponible sur demande*

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*Government of Canada Policy for CIDA on Human Rights, Democratization and Good Governance*

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# 1. INTRODUCTION

The Government of Canada's policy for the Canadian International Development Agency (CIDA) on human rights, democracy and good governance is situated within the framework of Canadian foreign policy and overall Government objectives. The foreign policy statement, *Canada in the World,* has noted:

> *The Government regards respect for human rights not only as a fundamental value, but also as a crucial element in the development of stable, democratic and prosperous societies at peace with each other. (page 34)*

Objectives for CIDA are tied closely to the three key objectives the Government has identified for its international actions in the years to come: the promotion of prosperity, the protection of our security within a stable global framework, and the projection of Canadian values of democracy and the rule of law, and culture. The Government recognizes that a broad approach is required to build a more secure world, one that for Canada includes promoting international cooperation, building stability and preventing conflict. Canadians expect our relations with the rest of the world, including with developing countries through the development assistance program, to be guided by such values as respect for human rights, democracy and the rule of law. This policy builds on those values.

All development assistance links Canadians with people in developing countries. Our cooperation and exchanges give us opportunities in every project, every day, to express our values, to help others understand them, and to support those who strive to increase respect for human rights and democracy and improve governance in their own societies. We recognize that events unfold rapidly, often in unpredictable ways, with outcomes that are far from certain. We are also aware that progress will be achieved only over periods of time better measured in decades, than in years. Development of durable institutions and the democratic culture to sustain them is a lengthy undertaking; a long-term perspective is intrinsic to CIDA's work.

# 2. HUMAN RIGHTS, DEMOCRATIZATION AND GOOD GOVERNANCE: POLICY AND OBJECTIVES FOR CIDA

Human rights are founded on the inherent dignity of the human person. As the Universal Declaration of Human Rights, adopted in 1948, states, "All human beings are born free and equal in dignity and rights." Democratization builds the effective participation of individuals in decision making and the exercise of power in society, both through the formal processes of democracy, and through the organizations of civil society that give voice to popular concerns. Good governance ensures the effective, honest, equitable and accountable exercise of power by governments.

The values that underlie human rights, democracy and good governance -- among them respect for human dignity, justice, equity, participation and accountability -- are deeply held throughout the world. Their importance to Canadians is demonstrated in efforts to address concerns about rights at many levels in our own society, through the framework of law, through federal and provincial institutions, and in the work of community-based organizations throughout the country.

Respect for human rights, democratization and good governance are important, in their own right, for the security of individual children, women and men and the development of the societies in which they live. These three issues are integral to CIDA's purpose, to promote sustainable development in developing countries in order to reduce poverty and to contribute to a more secure, equitable and prosperous world. CIDA's vision of sustainable development builds on the inherent link between political, economic, environmental, social and cultural processes in all societies and seeks to integrate this understanding into the Agency's efforts to promote development. Underpinning this vision is the recognition that the equitable distribution of power and resources within and between societies, and public participation in decision making, are critical to the success of CIDA's work.

Together, respect for rights, democratization and good governance create the framework of society within which the development efforts of people, whether working as individuals, as groups in civil society, or through their governments, can be effective. Canada's interest in a more just, more stable and more prosperous world requires that the Canadian government, through the development assistance program, addresses rights, democracy and governance concerns in the context of promoting sustainable development. CIDA's dialogue and program initiatives are important instruments for expressing Canadian values, and in working to build a more just, secure and prosperous world for all.

***With respect to the development cooperation program administered by CIDA, the Government's policy is to enhance the will and capacity of developing country societies to respect the rights of children, women and men, and to govern effectively and in a democratic manner.***

## OBJECTIVES

CIDA will seek to strengthen:

- *the role and capacity of civil society in developing countries in order to increase popular participation in decision making;*
- *democratic institutions in order to develop and sustain responsible government;*
- *the competence of the public sector in order to promote the effective, honest and accountable exercise of power;*
- *the capacity of organizations that protect and promote human rights in order to enhance each society's ability to address rights concerns and strengthen the security of the individual; and*
- *the will of leaders to respect rights, rule democratically and govern effectively.*

The Government's approach to rights, democracy and governance, expressed in these CIDA objectives, is broad. It emphasizes organizations in civil society as key vehicles for articulating popular concerns and channelling popular participation in decision and policy making. It also focuses on governments for their responsibility to respect rights and govern well, in an honest, effective and accountable manner. It encompasses processes such as elections and the rule of law, which comprise formal democracy, as well as responsible institutions. It also includes decision makers who must demonstrate political will and leadership. This approach includes a wide range of activities to foster rights, democracy and governance, and a wide range of partners.

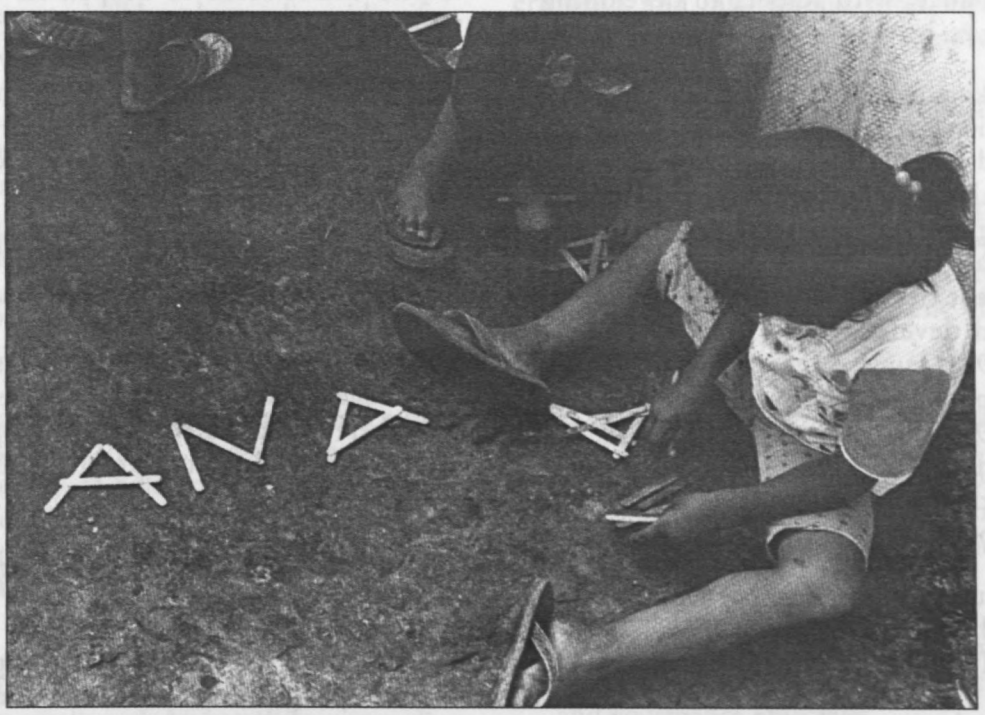
The Government's approach is practical and results-oriented. It recognizes that it is the people of developing countries, their organizations and governments, who play the central role and hold prime responsibility for achieving progress. The fundamental principles are universal, although each society and each region crafts its own approach, drawing on its culture, history, and political and economic legacy. Canadians and their government, through CIDA, play a critical but supporting role, drawing on our heritage. CIDA does not seek to export particular Canadian institutions or practices; rather, the Agency seeks to work carefully and sensitively with those in developing countries who are best placed to achieve positive change.

# 3. POLICY IMPLEMENTATION

CIDA's record of action with respect to human rights, democratization and good governance dates back many years, involving all program branches. CIDA works with a broad range of partners, including governments, non-governmental organizations and other organizations in civil society, and inter-governmental organizations. Initiatives include dialogue and funding related to a broad range of activities, such as peace and reconciliation initiatives, human rights education, widening access to legal remedies, strengthening legislatures, and public sector reform.

## POLICY COHERENCE

Canadian development assistance initiatives are most effective when they are part of a coherent Canadian approach, based on clearly articulated objectives, solid analysis of events and trends, and the coordinated use of policy instruments. The impact of CIDA's actions can be blunted when information and analysis are lacking or faulty, when objectives are unclear and when other foreign policy measures work at cross purposes. Greater coherence does not imply uniformity, however. Canadian



*CIDA Photo: Stephanie Colvey*

responses must continue to reflect the particular characteristics of each situation and the differing potentials for effective action.

The development perspective articulated by CIDA is not the only interest to be reflected in Canadian foreign policy; political and commercial interests are also important. CIDA is in a position, however, to effectively advocate development perspectives in the long-term interest of Canada, in keeping with the purpose of the official development assistance (ODA) program and the Agency's program and policy experience. CIDA will work to build more coherent and more effective foreign policy on rights, democracy and governance, with respect to developing countries, by:

- seeking coherence with the broad international consensus on rights, democracy and governance issues reflected in the Universal Declaration of Human Rights, international human rights treaties, and declarations adopted at recent UN conferences on environment and development (Rio de Janeiro, 1992), human rights (Vienna, 1993), population and development (Cairo, 1994), and women (Beijing, 1995); and at the children's summit (New York, 1990) and the social summit (Copenhagen, 1995);
- ensuring effective policy coordination with the Department of Foreign Affairs and International Trade;
- ensuring proper interdepartmental consultation with such departments as Defence, Finance and Environment; and
- working with provincial governments and other agencies in the public sector, including the International Centre for Human Rights and Democratic Development, the International Development Research Centre and the Export Development Corporation, to share information and program insights.

## PROMOTE DIALOGUE

Through dialogue on rights, democracy and governance issues, pursued at many levels, CIDA seeks to deepen its own understanding of the interests and positions of partner organizations and governments, and to influence the development of the partners' approaches. Like all participants, CIDA learns a great deal through dialogue and incorporates this knowledge into its own policies and programs. The process is not coercive in nature, but positive, and mutually beneficial. For CIDA to play an effective role requires a depth of country and issue knowledge, policy and program coherence, and where appropriate, financial support for dialogue and related program initiatives.

CIDA will promote dialogue on rights, democracy and governance issues by:

- encouraging Canadian and developing country organizations in civil society to engage in dialogue amongst themselves, with their societies, governments,

donor agencies and multilateral institutions;

- engaging, as an Agency, in dialogue with partner organizations to reinforce the mutual understanding and priority placed on these issues in policy and programs;

- working with international financial institutions and other multilateral organizations to integrate the objectives of this policy into their work, through Canada's participation in their governing bodies, in international meetings, and through ongoing dialogue; and

- working in concert with other governments to build understanding, identify issues, share concerns and discuss policy options, including with developing country governments through regular contacts as well as with other donor agencies.

## ADDITIONAL PROGRAMMING

By working closely with many local organizations in developing countries, CIDA helps to build their capacity to advocate for access to the legal system, advance the rights of children and women, and, increasingly, to hold governments accountable for their actions. In its work with governments, CIDA helps to build the skills and structures required for governing well. CIDA adjusts bilateral aid allocations to take into account the priority placed by recipient governments on social sector spending vis-à-vis military expenditures. Through the multilateral system, CIDA supports initiatives that address rights, democracy and governance issues.

Development agencies active in this field agree that there are few formulas for success. As the importance of rights, democracy and governance for sustainable development comes to be recognized, it is important for CIDA and others to test approaches, monitor and evaluate initiatives, and build this learning into future policy and programming. Reflecting lessons drawn from its experience, CIDA will place strong emphasis on local participation and ownership in all stages of programming, and on increased program coordination with developing country governments and institutions, international organizations and development agencies.

CIDA program branches will continue to build programming in this area by:

- analyzing the context of developing countries, the needs of partners, opportunities for action, and the capacity of Canadian partners to intervene effectively;

- developing explicit objectives for rights, democracy and governance programming, particularly within the scope of regional/country development policy framework documents and institutional support strategies; and

- continuing to increase programming that directly address rights, democracy and governance objectives.

## ADDRESS NEGATIVE IMPACTS

CIDA is sensitive to the reality that projects can occasionally have harmful, if unintended, impacts on particular groups – for example, those displaced by large infrastructure projects without adequate consultation or compensation. CIDA will seek to prevent adverse impacts by:

- consulting with partners and other development agencies to share information and identify promising approaches for the assessment of human rights impacts of programs and policies; and
- investigating and consulting with affected groups and concerned organizations with a view to resolving problems.

## RESPOND TO EXTREME SITUATIONS

In serious human rights situations, Canada's first goal is to work for change with the government and civil society. In doing so, Canada will use all possible means, continuing to cooperate in order to ensure leverage and exert influence.

Before deciding to take further action, Canada will take care to avoid hurting even more those who are suffering abuses and whom we are trying to help.

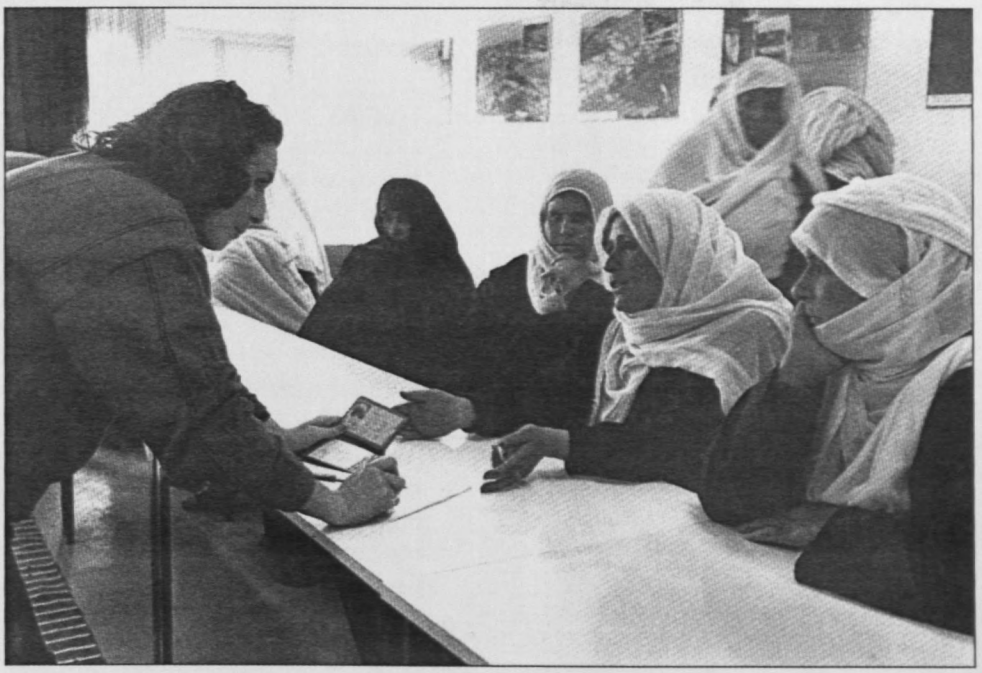
Canada may need to implement additional measures when the first course of action is insufficient. To the extent possible, the Government implements measures in concert with other countries, coordinating through such organizations as the Commonwealth, la Francophonie and the United Nations.

It is clear that a collective approach is one of the most effective ways of expressing Canada's deep concern. In extreme circumstances, the Government might have to examine a range of measures including development assistance and other instruments of foreign policy.

# 4. MONITORING AND EVALUATION

Implementation of this policy will be achieved through the actions of CIDA's corporate and program branches. Also important are the actions of other departments and agencies implementing programs with official development assistance funds, Canadian and international non-governmental organizations, professional associations, educational and other institutions. CIDA will identify roles and responsibilities within the Agency to monitor the implementation of this policy and will continue efforts to clarify the roles of partner departments and agencies.

The Good Governance and Human Rights Division of Policy Branch will be responsible for monitoring the implementation of this policy. The Division will work closely with CIDA corporate and program branches to assemble and review program information, and with the group responsible for maintaining the corporate database to ensure project information is recorded and retrievable.



*CIDA Photo: Fahmida Bhabha*

# *Companion Documents*

## 1. An indicative listing of CIDA interventions and partner agencies in the areas of human rights, democratization and good governance

This note outlines in broad terms the types of interventions taken or supported by CIDA in the areas of human rights, democratization and governance, and the partner agencies in Canada and in developing countries with which CIDA works.

Types of interventions

CIDA has supported a wide range of interventions in support of human rights, democratization and good governance objectives. Among these have been initiatives to:

- strengthen the advocacy role of organizations in civil society, including building the capacity for independent social, economic and political analysis, through training, technical assistance, participation in conferences and international networking;
- build the service role of organizations in civil society through funding for institutional development and program initiatives addressing particular needs, for example, the legal rights of street children, humanitarian and legal support for political prisoners and their families, human rights concerns of indigenous peoples, and human rights education;
- build the participation in civil society and the political process more generally of women and other marginalized groups in society, through support for education and outreach programs, and policy development;
- build the role of an independent, responsible media through training, technical assistance and linkages between journalists;
- improve the functioning of the legal system, for example, through the training of judges and practitioners, provision of equipment and facilities, and the provision and dissemination of statutes and law reports;
- assist in the creation and strengthening of national human rights institutions such as human rights commissions and ombuds offices;
- support commissions of investigation, truth commissions and international human rights monitors;
- support the reform of police and security forces, the creation of new police forces as part of peace processes, and the training of staff;
- support law reform, for example, in relation to gender equality, land rights, family law, the media and conditions of work, through technical assistance and study tours;
- widen access to the law through public outreach, legal education, pamphlets on legal issues, training of paralegal workers, and provision of paralegal services;
- support improvements in the functioning of democratic institutions such as legislatures, legislative committees,

research branches, offices of the Speaker, through training, provision of equipment and facilities, study tours to Canada and linkages to Canadian institutions;

- support the development of electoral processes, including voter education campaigns, strengthening electoral institutions, providing Canadian observers, supporting domestic observer groups, providing materials and equipment and assisting with electoral mapping;

- develop post-secondary education programs that build knowledge and skills in such areas as human rights law, law reform and policy development;

- support conflict resolution and dialogue initiatives through sponsoring fora, mediation initiatives, networking and linkages to concerned Canadian organizations;

- support governments undergoing democratic transitions, for example, by providing technical assistance on such issues as public service reform, law reform, regulatory reform and policy development, and by upgrading the knowledge and skills of the new leadership;

- assist demobilization of ex-combatants in support of peace/reconciliation initiatives, for example, by providing humanitarian assistance, supporting land registration and transfer programs, and assisting the development of cooperatives;

- support initiatives to remove anti-personnel mines;

- assist governments in developing procedures for financial accountability, such as technical assistance and networking to build the capacity of audit institutions and public accounts committees;

- work with other donor agencies to share information and program insights, and coordinate program interventions and policy approaches; and

- encourage international financial institutions and regional development banks to increase the priority placed on rights, democracy and good governance in their policies and programs.

## Program partners

CIDA works with a wide range of program partners to achieve the objectives of the Government policy for CIDA on human rights, democratization and good governance.

In developing countries, CIDA works with:

- departments and agencies of government, including:

  - departments responsible for justice, prisons, police, internal security, primary and post-secondary education, foreign affairs;

- central agencies responsible for check and balance mechanisms and public sector reform, such as auditors general, public service commissions, and treasury boards;
- agencies responsible for the conduct of elections, such as electoral commissions;
- legislatures and legislative institutions such as the Speaker, legislative committees dealing with justice and public accounts, and the research bureau/ branch;
- national institutions responsible for human rights protection, including ombuds, human rights commissions, police complaint boards;
- the court system, including magistrates courts, courts of appeal, supreme courts;
- law reform commissions; and
- educational institutions, including universities, colleges, management training institutes.

➢ organizations in civil society, including:

- grassroots non-governmental organizations (NGOs) working at the community level, focused on particular issues, or based in particular sectors of society; for example: women's rights, health, social welfare, children's issues, education, popular theatre, legal advice, refugee support, people with disabilities, consumers rights;
- national NGOs that address such issues, and umbrella organizations;
- churches and church-based organizations;
- cooperatives and cooperative federations;
- media;
- indigenous communities, and community organizations;
- trade unions, and trade union federations;
- professional associations, including lawyers, doctors, nurses, auditors, public administrators;
- business associations, such as chambers of commerce; and
- regional and international NGOs and networks, and regional and international trade unions and labour organizations.

➢ regional and international inter-governmental organizations, including:

- human rights commissions and courts;
- units of regional organizations such as the Commonwealth, la Francophonie, and the Organization of American States created to address human rights, law, gender equality, and the status of children.

### Canadian program partners

CIDA also works with a wide range of Canadian-based partners in order to achieve the objectives of the policy on human rights, democratization and good governance, supporting their own programs and utilizing their expertise to implement development projects initiated by CIDA.

Among such organizations are:

- departments and agencies of the federal and provincial governments, including justice departments, auditors general, public service commissions, human rights commissions and ombuds;
- professional associations, including associations of lawyers, journalists and public administrators;
- development NGOs;
- church-based organizations;
- labour unions and labour solidarity funds;
- indigenous peoples' organizations;
- educational institutions, such as universities and community colleges, and their associations; and
- Canadian-based international NGOs.

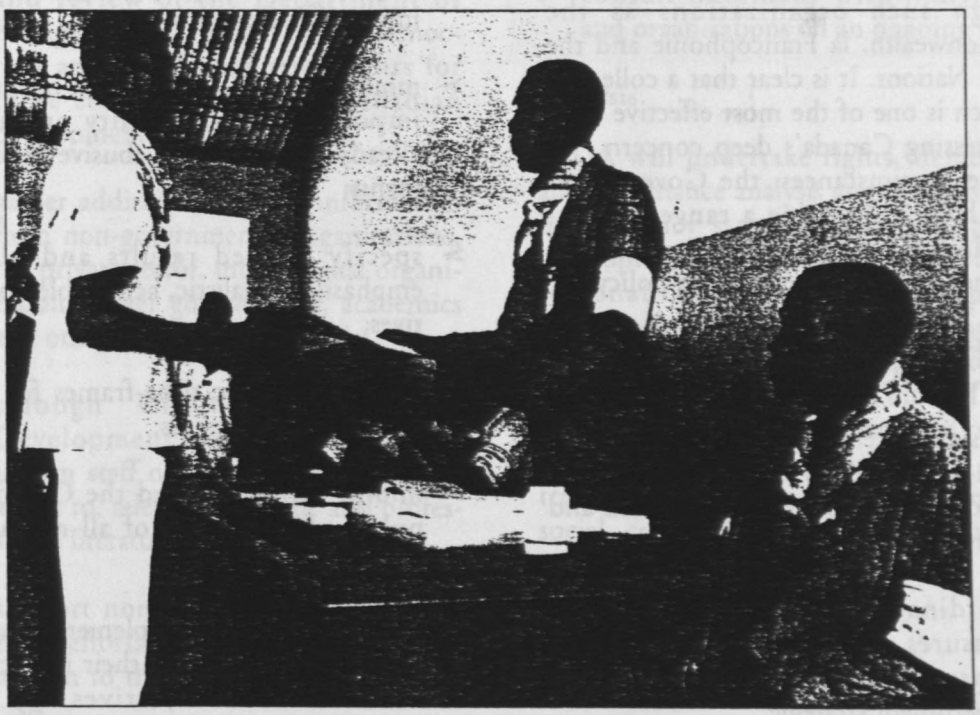


*Photo ACDI : Bruce Paton*

## 2. Principles guiding CIDA action in response to particularly serious human rights situations

In serious human rights situations, Canada's first goal is to work for change with the government and civil society. In doing so, Canada will use all possible means, continuing to cooperate in order to ensure Canada has leverage and exerts influence. Before deciding to take further action, Canada will take care to avoid hurting even more those who are suffering abuses and whom we are trying to help.

Canada may need to implement additional measures when the first course of action is insufficient. To the extent possible, the Government implements measures in concert with other countries, coordinating through such organizations as the Commonwealth, la Francophonie and the United Nations. It is clear that a collective approach is one of the most effective ways of expressing Canada's deep concern. In extreme circumstances, the Government might have to examine a range of measures, including development assistance and other instruments of foreign policy.

In its approach to serious human rights situations, CIDA seeks to:

- consult concerned Canadians, including non-governmental organizations, institutions, private sector organizations and individuals, before actions are taken;
- coordinate development assistance measures with other foreign policy measures as part of an overall Government strategy;
- implement measures in concert with other donor countries to the extent possible;
- base its actions on a broad development analysis that incorporates rights, democracy and governance; CIDA's actions will not be based on an assessment of a recipient government's rights, democracy and governance performance alone;
- build an approach consisting of constructive initiatives, such as support for human rights organizations and other non-governmental organizations, wherever possible, in addition to punitive measures;
- target measures appropriately, for maximum effectiveness;
- minimize the extent to which measures impose a double penalty on those already victimized by abusive governments;
- specify desired results and place emphasis on realistic, achievable objectives;
- establish realistic time-frames for the achievement of results;
- inform Parliament and the Canadian public of the details of all measures taken; and
- closely monitor the implementation of all measures and assess their impact in terms of the objectives of the Government's policy for CIDA on human rights, democratization and good governance.

## 3. Measures to build the capacity of CIDA and its partners

To achieve the objectives of the Government's policy for CIDA on human rights, democratization and good governance, CIDA is taking steps to further develop its own capacity and that of its partners to undertake policy, dialogue and program initiatives.

### Information

CIDA will seek out information on rights, democracy and governance for development assistance policy and programs. CIDA will:

- participate actively in the preparation and review of the Department of Foreign Affairs' regular rights, democracy and governance assessments for those countries receiving Canadian development assistance;
- gather additional relevant information from non-governmental organizations, the private sector, international organizations, other governments, academics and others on an ongoing basis;
- through CIDA's International Development Information Centre, inform staff of, and ensure they have access to, relevant academic and professional literature; and
- support non-governmental organizations' efforts to gather and direct information to the attention of public officials.

### Consultation

CIDA will consult and exchange information and experiences with partner organizations in Canada and developing countries, and with other donors. The purpose of this exercise is to improve the quality of policy and programs. CIDA will:

- include rights, democracy and governance in regular consultations with partner organizations and recipient governments, and in specially organized consultations dealing with particular issues, countries or regions; and
- consult informally with individuals and organizations on an ongoing basis.

### Analysis

CIDA will undertake rights, democracy and governance analysis and incorporate it into Agency strategic planning, policy development, program branch strategies, regional/country development policy frameworks, and positions for donor consultative groups and meetings of intergovernmental organizations. This will complement CIDA's current analysis of Canadian interests in developing countries, including environmental, economic, social, commercial, political and humanitarian considerations.

CIDA branches will analyze:

- development needs and constraints with respect to rights, democracy and governance, program opportunities and implementation capacity in developing countries and in Canada.

## New tools

CIDA will further build the understanding and skills of its staff and that of partner organizations, and will develop new tools to increase programming expertise. Activities to support this approach include:

- the continuation of efforts to identify best practices and results of Agency initiatives with respect to rights, democracy and governance, and to develop indicators of performance;
- the development and application of guidelines in key areas and with respect to particular disadvantaged or vulnerable groups;
- the identification and exploration of "niches" within which Canadian interventions can be particularly effective, drawing on Canadian expertise and programming capacity;
- the preparation of tools, including studies of Canadian and local capacity to implement programming, frameworks for analysis, needs assessments, identification of potential negative impacts, project level indicators, and evaluation approaches;
- the systematic identification of lessons learned through monitoring, evaluation and dialogue with partners, and their application to policies and programs; and
- the development of staff and managers' skills to analyze, plan, implement and evaluate programs, including through training courses.

## Integration into CIDA systems

CIDA will incorporate rights, democracy and governance analysis and the objectives of this policy into guidelines and administrative processes of the Agency, including, for example:

- guidelines for the preparation of regional/country development policy frameworks;
- frameworks for program and project funding of non-governmental organizations;
- guidelines for Canadian missions abroad on the use of Canada Funds;
- evaluation systems; and
- project information tracking.

## Communications

CIDA will inform the Canadian public, parliamentarians and partner organizations about CIDA's rights, democracy and governance policy and programs in order to build greater understanding of how these initiatives relate to the public's expectations of the aid program. CIDA will:

- develop a comprehensive rights, democracy and governance communications strategy for the Agency, and incorporate these issues into branch communications strategies;

- produce and disseminate regular reports on Agency rights, democracy and governance initiatives; and
- disseminate reports on the implementation of this policy.

## Internal practice

CIDA will continue to incorporate respect for the principles of human rights and democracy in the internal practice of the Agency, including principles outlined in the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, and the Employment Equity Act.

*UNICEF Photo: David Barbour*

# 4. Definitions of human rights, democratization, civil society and good governance

## Human rights

*'All human beings are born free and equal in dignity and rights.'*

(Universal Declaration of Human Rights, Article 1)

Human rights derive from the inherent dignity of the human person and are fundamental to the well-being of the individual and to the existence of freedom, justice and peace in the world.

The key international documents defining human rights are the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. Together, they comprise the International Bill of Rights. Among the rights elaborated in these documents are:

➢ Economic, social and cultural rights, including:

- the right to an adequate standard of living including adequate food, clothing and housing, and to the continuous improvement of living conditions.
- the right to the enjoyment of the highest attainable standard of physical and mental health.
- the right to education, including free primary education which shall be compulsory, and to accessible secondary, technical and professional, and higher education.
- the right to work, to receive equal pay for work of equal value, and to protection against unemployment.
- the right of minorities to enjoy their own culture, religion and language.
- the right to participate in the cultural life of one's community.

➢ Civil and political rights, including:

- the right to life, liberty and security of the person.
- the right not to be discriminated against on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- the right to a nationality and to reside in one's country.
- the right to seek and enjoy in other countries asylum from persecution.
- the right to vote and be elected in periodic and genuine elections held by secret ballot.
- the right to be free from arbitrary interference with one's privacy, family, home or correspondence.
- the right to own property.
- legal rights such as the rights to due process of law, equal protection of the law, to not be subject to cruel or inhuman punishment, or torture, to be free from arbitrary arrest, detention or exile, and to be presumed innocent until proven guilty.
- such freedoms as the freedom of movement and lawful residence within the borders of a state, of thought, conscience and religion, opinion and

expression, peaceful assembly and association.

## Democratization

By democratization we mean strengthening popular participation in the exercise of power, building democratic institutions and practices, and deepening democratic values in society.

Mechanisms for participation include formal processes such as elections and referenda. Participation also takes place less formally through a wide range of independent popular organizations (referred to collectively as "civil society") which serve to articulate and channel people's concerns. Democratic institutions include federal and provincial/state legislatures and municipal councils, and institutions such as the judiciary that are responsible for the rule of law.

A strong democratic society will be marked by respect for human rights, particularly the "democratic rights" of freedom of opinion, expression and association, the right to take part in the conduct of public affairs, and to vote and be elected at genuine and periodic elections held by secret ballot. It will be characterized by a strong and vibrant civil society, and tolerance for dissent and opposition, an active, independent media, an independent judiciary, and a high level of public understanding of and participation in the political process.

## Civil society

The term civil society refers broadly to organizations and associations of people, formed for social or political purposes, that are not created or mandated by governments. Included are non-governmental organizations, trade unions, cooperatives, churches, grassroots organizations and business associations.

These groups are important in terms of this policy for their role in articulating and advocating for popular concerns. This advocacy function gives voice to a variety of interests and perspectives that governments and decision makers may otherwise not hear. Many also provide a range of services to their members or communities, a role which, depending on the nature of the group, can have a direct bearing on the promotion of human rights and democratization.

## Good governance

By governance we mean the manner in which power is exercised by governments in the management of a country's social and economic resources. "Good" governance is the exercise of power by various levels of government that is effective, honest, equitable, transparent and accountable.

There is no internationally agreed definition as yet. The term is generally interpreted to include the following important dimensions:

- the development and implementation of sound economic and social policies;
- strong management in the public sector, with a professional administrative cadre and an effective public service;
- the existence of a sound, predictable legal framework with a reliable and independent judiciary;
- very low levels of corruption in public life and the existence of effective mechanisms to deal with corruption when it is identified;
- financial probity and accountability, with structures to ensure financial accountability and transparency; and
- appropriate levels of military expenditure, and appropriate roles for the military in civilian life.

*Government of Canada Policy for CIDA on Human Rights, Democratization and Good Governance*

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# 1. INTRODUCTION

The Government of Canada's policy for the Canadian International Development Agency (CIDA) on human rights, democracy and good governance is situated within the framework of Canadian foreign policy and overall Government objectives. The foreign policy statement, *Canada in the World*, has noted:

> *The Government regards respect for human rights not only as a fundamental value, but also as a crucial element in the development of stable, democratic and prosperous societies at peace with each other. (page 34)*

Objectives for CIDA are tied closely to the three key objectives the Government has identified for its international actions in the years to come: the promotion of prosperity, the protection of our security within a stable global framework, and the projection of Canadian values of democracy and the rule of law, and culture. The Government recognizes that a broad approach is required to build a more secure world, one that for Canada includes promoting international cooperation, building stability and preventing conflict. Canadians expect our relations with the rest of the world, including with developing countries through the development assistance program, to be guided by such values as respect for human rights, democracy and the rule of law. This policy builds on those values.

All development assistance links Canadians with people in developing countries. Our cooperation and exchanges give us opportunities in every project, every day, to express our values, to help others understand them, and to support those who strive to increase respect for human rights, and democracy and improve governance in their own societies. We recognize that events unfold rapidly, often in unpredictable ways, with outcomes that are far from certain. We are also aware that progress will be achieved only over periods of time better measured in decades, than in years. Development of durable institutions and the democratic culture to sustain them is a lengthy undertaking; a long-term perspective is intrinsic to CIDA's work.

# 2. HUMAN RIGHTS, DEMOCRATIZATION AND GOOD GOVERNANCE: POLICY AND OBJECTIVES FOR CIDA

Human rights are founded on the inherent dignity of the human person. As the Universal Declaration of Human Rights, adopted in 1948, states, "All human beings are born free and equal in dignity and rights." Democratization builds the effective participation of individuals in decision making and the exercise of power in society, both through the formal processes of democracy, and through the organizations of civil society that give voice to popular concerns. Good governance ensures the effective, honest, equitable and accountable exercise of power by governments.

The values that underlie human rights, democracy and good governance -- among them respect for human dignity, justice, equity, participation and accountability -- are deeply held throughout the world. Their importance to Canadians is demonstrated in efforts to address concerns about rights at many levels in our own society, through the framework of law, through federal and provincial institutions, and in the work of community-based organizations throughout the country.

Respect for human rights, democratization and good governance are important, in their own right, for the security of individual children, women and men and the development of the societies in which they live. These three issues are integral to CIDA's purpose, to promote sustainable development in developing countries in order to reduce poverty, and to contribute to a more secure, equitable and prosperous world. CIDA's vision of sustainable development builds on the inherent link between political, economic, environmental, social and cultural processes in all societies and seeks to integrate this understanding into the Agency's efforts to promote development. Underpinning this vision is the recognition that the equitable distribution of power and resources within and between societies, and public participation in decision making, are critical to the success of CIDA's work.

Together, respect for rights, democratization and good governance create the framework of society within which the development efforts of people, whether working as individuals, as groups in civil society, or through their governments, can be effective. Canada's interest in a more just, more stable and more prosperous world requires that the Canadian government, through the development assistance program, addresses rights, democracy and governance concerns in the context of promoting sustainable development. CIDA's dialogue and program initiatives are important instruments for expressing Canadian values, and in working to build a more just, secure and prosperous world for all.

*With respect to the development cooperation program administered by CIDA, the Government's policy is to enhance the will and capacity of developing country societies to respect the rights of children, women and men, and to govern effectively and in a democratic manner.*

## OBJECTIVES

CIDA will seek to strengthen:

- *the role and capacity of civil society in developing countries in order to increase popular participation in decision making;*
- *democratic institutions in order to develop and sustain responsible government;*
- *the competence of the public sector in order to promote the effective, honest and accountable exercise of power;*
- *the capacity of organizations that protect and promote human rights in order to enhance each society's ability to address rights concerns and strengthen the security of the individual; and*
- *the will of leaders to respect rights, rule democratically and govern effectively.*

The Government's approach to rights, democracy and governance, expressed in these CIDA objectives, is broad. It emphasizes organizations in civil society as key vehicles for articulating popular concerns and channelling popular participation in decision and policy making. It also focuses on governments for their responsibility to respect rights and govern well, in an honest, effective and accountable manner. It encompasses processes such as elections and the rule of law, which comprise formal democracy, as well as responsible institutions. It also includes decision makers who must demonstrate political will and leadership. This approach includes a wide range of activities to foster rights, democracy and governance, and a wide range of partners.

The Government's approach is practical and results-oriented. It recognizes that it is the people of developing countries, their organizations and governments, who play the central role and hold prime responsibility for achieving progress. The fundamental principles are universal, although each society and each region crafts its own approach, drawing on its culture, history, and political and economic legacy. Canadians and their government, through CIDA, play a critical but supporting role, drawing on our heritage. CIDA does not seek to export particular Canadian institutions or practices; rather, the Agency seeks to work carefully and sensitively with those in developing countries who are best placed to achieve positive change.

# 3. POLICY IMPLEMENTATION

CIDA's record of action with respect to human rights, democratization and good governance dates back many years, involving all program branches. CIDA works with a broad range of partners, including governments, non-governmental organizations and other organizations in civil society, and inter-governmental organizations. Initiatives include dialogue and funding related to a broad range of activities, such as peace and reconciliation initiatives, human rights education, widening access to legal remedies, strengthening legislatures, and public sector reform.

## POLICY COHERENCE

Canadian development assistance initiatives are most effective when they are part of a coherent Canadian approach, based on clearly articulated objectives, solid analysis of events and trends, and the coordinated use of policy instruments. The impact of CIDA's actions can be blunted when information and analysis are lacking or faulty, when objectives are unclear and when other foreign policy measures work at cross purposes. Greater coherence does not imply uniformity, however. Canadian

*CIDA Photo: Stephanie Colvey*

responses must continue to reflect the particular characteristics of each situation and the differing potentials for effective action.

The development perspective articulated by CIDA is not the only interest to be reflected in Canadian foreign policy; political and commercial interests are also important. CIDA is in a position, however, to effectively advocate development perspectives in the long-term interest of Canada, in keeping with the purpose of the official development assistance (ODA) program and the Agency's program and policy experience. CIDA will work to build more coherent and more effective foreign policy on rights, democracy and governance, with respect to developing countries, by:

- seeking coherence with the broad international consensus on rights, democracy and governance issues reflected in the Universal Declaration of Human Rights, international human rights treaties, and declarations adopted at recent UN conferences on environment and development (Rio de Janeiro, 1992), human rights (Vienna, 1993), population and development (Cairo, 1994), and women (Beijing, 1995); and at the children's summit (New York, 1990) and the social summit (Copenhagen, 1995);
- ensuring effective policy coordination with the Department of Foreign Affairs and International Trade;
- ensuring proper interdepartmental consultation with such departments as Defence, Finance and Environment; and
- working with provincial governments and other agencies in the public sector, including the International Centre for Human Rights and Democratic Development, the International Development Research Centre and the Export Development Corporation, to share information and program insights.

## Promote dialogue

Through dialogue on rights, democracy and governance issues, pursued at many levels, CIDA seeks to deepen its own understanding of the interests and positions of partner organizations and governments, and to influence the development of the partners' approaches. Like all participants, CIDA learns a great deal through dialogue and incorporates this knowledge into its own policies and programs. The process is not coercive in nature, but positive, and mutually beneficial. For CIDA to play an effective role requires a depth of country and issue knowledge, policy and program coherence, and where appropriate, financial support for dialogue and related program initiatives.

CIDA will promote dialogue on rights, democracy and governance issues by:

- encouraging Canadian and developing country organizations in civil society to engage in dialogue amongst themselves, with their societies, governments,

donor agencies and multilateral institutions;

- engaging, as an Agency, in dialogue with partner organizations to reinforce the mutual understanding and priority placed on these issues in policy and programs;
- working with international financial institutions and other multilateral organizations to integrate the objectives of this policy into their work, through Canada's participation in their governing bodies, in international meetings, and through ongoing dialogue; and
- working in concert with other governments to build understanding, identify issues, share concerns and discuss policy options, including with developing country governments through regular contacts as well as with other donor agencies.

## ADDITIONAL PROGRAMMING

By working closely with many local organizations in developing countries, CIDA helps to build their capacity to advocate for access to the legal system, advance the rights of children and women, and, increasingly, to hold governments accountable for their actions. In its work with governments, CIDA helps to build the skills and structures required for governing well. CIDA adjusts bilateral aid allocations to take into account the priority placed by recipient governments on social sector spending vis-à-vis military expenditures. Through the multilateral system, CIDA supports initiatives that address rights, democracy and governance issues.

Development agencies active in this field agree that there are few formulas for success. As the importance of rights, democracy and governance for sustainable development comes to be recognized, it is important for CIDA and others to test approaches, monitor and evaluate initiatives, and build this learning into future policy and programming. Reflecting lessons drawn from its experience, CIDA will place strong emphasis on local participation and ownership in all stages of programming, and on increased program coordination with developing country governments and institutions, international organizations and development agencies.

CIDA program branches will continue to build programming in this area by:

- analyzing the context of developing countries, the needs of partners, opportunities for action, and the capacity of Canadian partners to intervene effectively;
- developing explicit objectives for rights, democracy and governance programming, particularly within the scope of regional/country development policy framework documents and institutional support strategies; and
- continuing to increase programming that directly address rights, democracy and governance objectives.

## Address Negative Impacts

CIDA is sensitive to the reality that projects can occasionally have harmful, if unintended, impacts on particular groups – for example, those displaced by large infrastructure projects without adequate consultation or compensation. CIDA will seek to prevent adverse impacts by:

- consulting with partners and other development agencies to share information and identify promising approaches for the assessment of human rights impacts of programs and policies; and,
- investigating and consulting with affected groups and concerned organizations with a view to resolving problems.

## Respond to Extreme Situations

In serious human rights situations, Canada's first goal is to work for change with the government and civil society. In doing so, Canada will use all possible means, continuing to cooperate in order to ensure leverage and exert influence.

Before deciding to take further action, Canada will take care to avoid hurting even more those who are suffering abuses and whom we are trying to help.

Canada may need to implement additional measures when the first course of action is insufficient. To the extent possible, the Government implements measures in concert with other countries, coordinating through such organizations as the Commonwealth, la Francophonie and the United Nations.

It is clear that a collective approach is one of the most effective ways of expressing Canada's deep concern. In extreme circumstances, the Government might have to examine a range of measures including development assistance and other instruments of foreign policy.

# 4. MONITORING AND EVALUATION

Implementation of this policy will be achieved through the actions of CIDA's corporate and program branches. Also important are the actions of other departments and agencies implementing programs with official development assistance funds, Canadian and international non-governmental organizations, professional associations, educational and other institutions. CIDA will identify roles and responsibilities within the Agency to monitor the implementation of this policy and will continue efforts to clarify the roles of partner departments and agencies.

The Good Governance and Human Rights Division of Policy Branch will be responsible for monitoring the implementation of this policy. The Division will work closely with CIDA corporate and program branches to assemble and review program information, and with the group responsible for maintaining the corporate database to ensure project information is recorded and retrievable.

*CIDA Photo: Fahmida Bhabha*

# *Companion Documents*

## 1. An indicative listing of CIDA interventions and partner agencies in the areas of human rights, democratization and good governance

This note outlines in broad terms the types of interventions taken or supported by CIDA in the areas of human rights, democratization and governance, and the partner agencies in Canada and in developing countries with which CIDA works.

### Types of interventions

CIDA has supported a wide range of interventions in support of human rights, democratization and good governance objectives. Among these have been initiatives to:

- strengthen the advocacy role of organizations in civil society, including building the capacity for independent social, economic and political analysis, through training, technical assistance, participation in conferences and international networking;
- build the service role of organizations in civil society through funding for institutional development and program initiatives addressing particular needs, for example, the legal rights of street children, humanitarian and legal support for political prisoners and their families, human rights concerns of indigenous peoples, and human rights education;
- build the participation in civil society and the political process more generally of women and other marginalized groups in society, through support for education and outreach programs, and policy development;
- build the role of an independent, responsible media through training, technical assistance and linkages between journalists;
- improve the functioning of the legal system, for example, through the training of judges and practitioners, provision of equipment and facilities, and the provision and dissemination of statutes and law reports;
- assist in the creation and strengthening of national human rights institutions such as human rights commissions and ombuds offices;
- support commissions of investigation, truth commissions and international human rights monitors;
- support the reform of police and security forces, the creation of new police forces as part of peace processes, and the training of staff;
- support law reform, for example, in relation to gender equality, land rights, family law, the media and conditions of work, through technical assistance and study tours;
- widen access to the law through public outreach, legal education, pamphlets on legal issues, training of paralegal workers, and provision of paralegal services;
- support improvements in the functioning of democratic institutions such as legislatures, legislative committees,

research branches, offices of the Speaker, through training, provision of equipment and facilities, study tours to Canada and linkages to Canadian institutions;

- support the development of electoral processes, including voter education campaigns, strengthening electoral institutions, providing Canadian observers, supporting domestic observer groups, providing materials and equipment and assisting with electoral mapping;

- develop post-secondary education programs that build knowledge and skills in such areas as human rights law, law reform and policy development;

- support conflict resolution and dialogue initiatives through sponsoring fora, mediation initiatives, networking and linkages to concerned Canadian organizations;

- support governments undergoing democratic transitions, for example, by providing technical assistance on such issues as public service reform, law reform, regulatory reform and policy development, and by upgrading the knowledge and skills of the new leadership;

- assist demobilization of ex-combatants in support of peace/reconciliation initiatives, for example, by providing humanitarian assistance, supporting land registration and transfer programs, and assisting the development of cooperatives;

- support initiatives to remove anti-personnel mines;

- assist governments in developing procedures for financial accountability, such as technical assistance and networking to build the capacity of audit institutions and public accounts committees;

- work with other donor agencies to share information and program insights, and coordinate program interventions and policy approaches; and

- encourage international financial institutions and regional development banks to increase the priority placed on rights, democracy and good governance in their policies and programs.

## Program partners

CIDA works with a wide range of program partners to achieve the objectives of the Government policy for CIDA on human rights, democratization and good governance.

In developing countries, CIDA works with:

- departments and agencies of government, including:

  - departments responsible for justice, prisons, police, internal security, primary and post-secondary education, foreign affairs;

- central agencies responsible for check and balance mechanisms and public sector reform, such as auditors general, public service commissions, and treasury boards;
- agencies responsible for the conduct of elections, such as electoral commissions;
- legislatures and legislative institutions such as the Speaker, legislative committees dealing with justice and public accounts, and the research bureau/branch;
- national institutions responsible for human rights protection, including ombuds, human rights commissions, police complaint boards;
- the court system, including magistrates courts, courts of appeal, supreme courts;
- law reform commissions; and
- educational institutions, including universities, colleges, management training institutes.

➢ organizations in civil society, including:

- grassroots non-governmental organizations (NGOs) working at the community level, focused on particular issues, or based in particular sectors of society; for example: women's rights, health, social welfare; children's issues, education, popular theatre, legal advice, refugee support, people with disabilities, consumers rights;
- national NGOs that address such issues, and umbrella organizations;
- churches and church-based organizations;
- cooperatives and cooperative federations;
- media;
- indigenous communities, and community organizations;
- trade unions, and trade union federations;
- professional associations, including lawyers, doctors, nurses, auditors, public administrators;
- business associations, such as chambers of commerce; and
- regional and international NGOs and networks, and regional and international trade unions and labour organizations.

➢ regional and international inter-governmental organizations, including:

- human rights commissions and courts;
- units of regional organizations such as the Commonwealth, la Francophonie, and the Organization of American States created to address human rights, law, gender equality, and the status of children.

### Canadian program partners

CIDA also works with a wide range of Canadian-based partners in order to achieve the objectives of the policy on human rights, democratization and good governance, supporting their own programs and utilizing their expertise to implement development projects initiated by CIDA.

Among such organizations are:

- departments and agencies of the federal and provincial governments, including justice departments, auditors general, public service commissions, human rights commissions and ombuds;
- professional associations, including associations of lawyers, journalists and public administrators;
- development NGOs;
- church-based organizations;
- labour unions and labour solidarity funds;
- indigenous peoples' organizations;
- educational institutions, such as universities and community colleges, and their associations; and
- Canadian-based international NGOs.

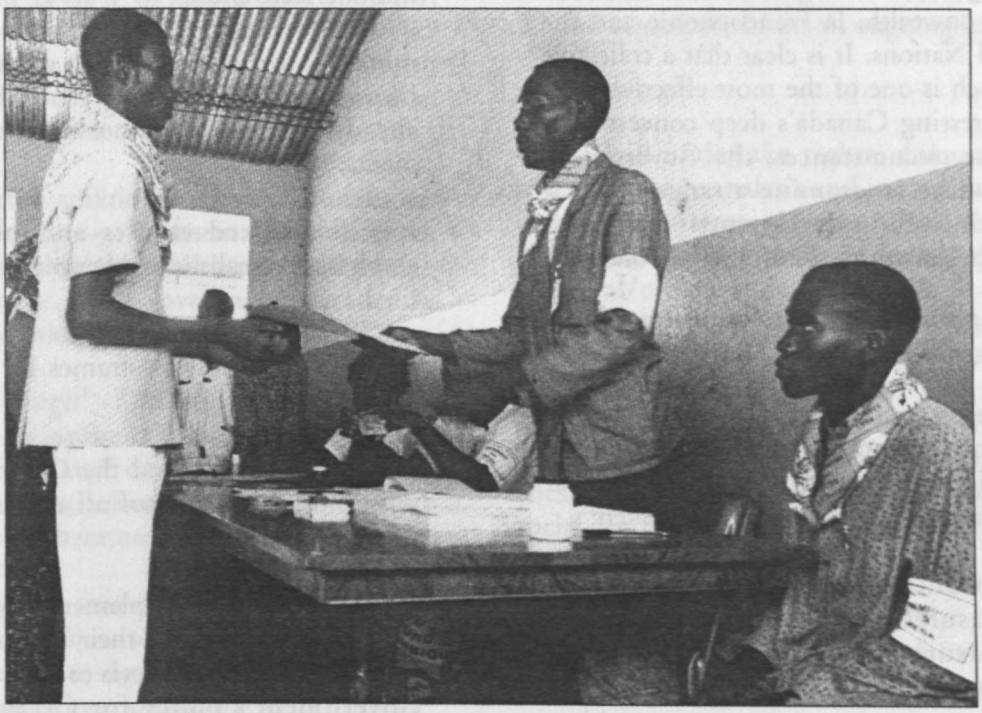


*Photo ACDI : Bruce Paton*

## 2. Principles guiding CIDA action in response to particularly serious human rights situations

In serious human rights situations, Canada's first goal is to work for change with the government and civil society. In doing so, Canada will use all possible means, continuing to cooperate in order to ensure Canada has leverage and exerts influence. Before deciding to take further action, Canada will take care to avoid hurting even more those who are suffering abuses and whom we are trying to help.

Canada may need to implement additional measures when the first course of action is insufficient. To the extent possible, the Government implements measures in concert with other countries, coordinating through such organizations as the Commonwealth, la Francophonie and the United Nations. It is clear that a collective approach is one of the most effective ways of expressing Canada's deep concern. In extreme circumstances, the Government might have to examine a range of measures, including development assistance and other instruments of foreign policy.

In its approach to serious human rights situations, CIDA seeks to:

- consult concerned Canadians, including non-governmental organizations, institutions, private sector organizations and individuals, before actions are taken;
- coordinate development assistance measures with other foreign policy measures as part of an overall Government strategy;
- implement measures in concert with other donor countries to the extent possible;
- base its actions on a broad development analysis that incorporates rights, democracy and governance; CIDA's actions will not be based on an assessment of a recipient government's rights, democracy and governance performance alone;
- build an approach consisting of constructive initiatives, such as support for human rights organizations and other non-governmental organizations, wherever possible, in addition to punitive measures;
- target measures appropriately, for maximum effectiveness;
- minimize the extent to which measures impose a double penalty on those already victimized by abusive governments;
- specify desired results and place emphasis on realistic, achievable objectives;
- establish realistic time-frames for the achievement of results;
- inform Parliament and the Canadian public of the details of all measures taken; and
- closely monitor the implementation of all measures and assess their impact in terms of the objectives of the Government's policy for CIDA on human rights, democratization and good governance.

## 3. Measures to build the capacity of CIDA and its partners

To achieve the objectives of the Government's policy for CIDA on human rights, democratization and good governance, CIDA is taking steps to further develop its own capacity and that of its partners to undertake policy, dialogue and program initiatives.

### Information

CIDA will seek out information on rights, democracy and governance for development assistance policy and programs. CIDA will:

- participate actively in the preparation and review of the Department of Foreign Affairs' regular rights, democracy and governance assessments for those countries receiving Canadian development assistance;
- gather additional relevant information from non-governmental organizations, the private sector, international organizations, other governments, academics and others on an ongoing basis;
- through CIDA's International Development Information Centre, inform staff of, and ensure they have access to, relevant academic and professional literature; and
- support non-governmental organizations' efforts to gather and direct information to the attention of public officials.

### Consultation

CIDA will consult and exchange information and experiences with partner organizations in Canada and developing countries, and with other donors. The purpose of this exercise is to improve the quality of policy and programs. CIDA will:

- include rights, democracy and governance in regular consultations with partner organizations and recipient governments, and in specially organized consultations dealing with particular issues, countries or regions; and
- consult informally with individuals and organizations on an ongoing basis.

### Analysis

CIDA will undertake rights, democracy and governance analysis and incorporate it into Agency strategic planning, policy development, program branch strategies, regional/country development policy frameworks, and positions for donor consultative groups and meetings of intergovernmental organizations. This will complement CIDA's current analysis of Canadian interests in developing countries, including environmental, economic, social, commercial, political and humanitarian considerations.

CIDA branches will analyze:

- development needs and constraints with respect to rights, democracy and governance, program opportunities and implementation capacity in developing countries and in Canada;

## New tools

CIDA will further build the understanding and skills of its staff and that of partner organizations, and will develop new tools to increase programming expertise. Activities to support this approach include:

- the continuation of efforts to identify best practices and results of Agency initiatives with respect to rights, democracy and governance, and to develop indicators of performance;
- the development and application of guidelines in key areas and with respect to particular disadvantaged or vulnerable groups;
- the identification and exploration of "niches" within which Canadian interventions can be particularly effective, drawing on Canadian expertise and programming capacity;
- the preparation of tools, including studies of Canadian and local capacity to implement programming, frameworks for analysis, needs assessments, identification of potential negative impacts, project level indicators, and evaluation approaches;
- the systematic identification of lessons learned through monitoring, evaluation and dialogue with partners, and their application to policies and programs; and
- the development of staff and managers' skills to analyze, plan, implement and evaluate programs, including through training courses.

## Integration into CIDA systems

CIDA will incorporate rights, democracy and governance analysis and the objectives of this policy into guidelines and administrative processes of the Agency, including, for example:

- guidelines for the preparation of regional/country development policy frameworks;
- frameworks for program and project funding of non-governmental organizations;
- guidelines for Canadian missions abroad on the use of Canada Funds;
- evaluation systems; and
- project information tracking.

## Communications

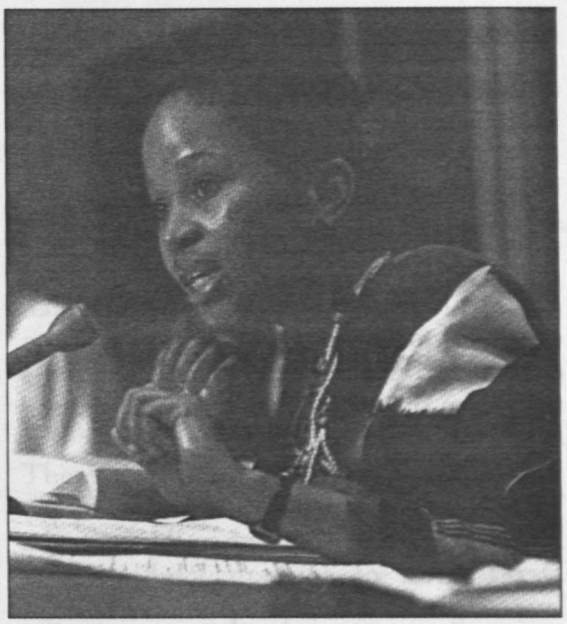
CIDA will inform the Canadian public, parliamentarians and partner organizations about CIDA's rights, democracy and governance policy and programs in order to build greater understanding of how these initiatives relate to the public's expectations of the aid program. CIDA will:

- develop a comprehensive rights, democracy and governance communications strategy for the Agency, and incorporate these issues into branch communications strategies;

- produce and disseminate regular reports on Agency rights, democracy and governance initiatives; and
- disseminate reports on the implementation of this policy.

### Internal practice

CIDA will continue to incorporate respect for the principles of human rights and democracy in the internal practice of the Agency, including principles outlined in the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, and the Employment Equity Act.



*UNICEF Photo: David Barbour*

# 4. Definitions of human rights, democratization, civil society and good governance

## Human rights

*'All human beings are born free and equal in dignity and rights.'*

(Universal Declaration of Human Rights, Article 1).

Human rights derive from the inherent dignity of the human person and are fundamental to the well-being of the individual and to the existence of freedom, justice and peace in the world.

The key international documents defining human rights are the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. Together, they comprise the International Bill of Rights. Among the rights elaborated in these documents are:

➢ Economic, social and cultural rights, including:

- the right to an adequate standard of living including adequate food, clothing and housing, and to the continuous improvement of living conditions.
- the right to the enjoyment of the highest attainable standard of physical and mental health.
- the right to education, including free primary education which shall be compulsory, and to accessible secondary, technical and professional, and higher education.
- the right to work, to receive equal pay for work of equal value, and to protection against unemployment.
- the right of minorities to enjoy their own culture, religion and language.
- the right to participate in the cultural life of one's community.

➢ Civil and political rights, including:

- the right to life, liberty and security of the person.
- the right not to be discriminated against on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- the right to a nationality and to reside in one's country.
- the right to seek and enjoy in other countries asylum from persecution.
- the right to vote and be elected in periodic and genuine elections held by secret ballot.
- the right to be free from arbitrary interference with one's privacy, family, home or correspondence.
- the right to own property.
- legal rights such as the rights to due process of law, equal protection of the law, to not be subject to cruel or inhuman punishment, or torture, to be free from arbitrary arrest, detention or exile, and to be presumed innocent until proven guilty.
- such freedoms as the freedom of movement and lawful residence within the borders of a state, of thought, conscience and religion, opinion and

expression, peaceful assembly and association.

## Democratization

By democratization we mean strengthening popular participation in the exercise of power, building democratic institutions and practices, and deepening democratic values in society.

Mechanisms for participation include formal processes such as elections and referenda. Participation also takes place less formally through a wide range of independent popular organizations (referred to collectively as "civil society") which serve to articulate and channel people's concerns. Democratic institutions include federal and provincial/state legislatures and municipal councils, and institutions such as the judiciary that are responsible for the rule of law.

A strong democratic society will be marked by respect for human rights, particularly the "democratic rights" of freedom of opinion, expression and association, the right to take part in the conduct of public affairs, and to vote and be elected at genuine and periodic elections held by secret ballot. It will be characterized by a strong and vibrant civil society, and tolerance for dissent and opposition, an active, independent media, an independent judiciary, and a high level of public understanding of and participation in the political process.

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The term civil society refers broadly to organizations and associations of people, formed for social or political purposes, that are not created or mandated by governments. Included are non-governmental organizations, trade unions, cooperatives, churches, grassroots organizations and business associations.

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- the development and implementation of sound economic and social policies;
- strong management in the public sector, with a professional administrative cadre and an effective public service;
- the existence of a sound, predictable legal framework with a reliable and independent judiciary;
- very low levels of corruption in public life and the existence of effective mechanisms to deal with corruption when it is identified;
- financial probity and accountability, with structures to ensure financial accountability and transparency; and
- appropriate levels of military expenditure, and appropriate roles for the military in civilian life.

## FRAMEWORK FOR ELECTORAL ASSISTANCE

**WHY SUPPORT ELECTIONS:**

While democracy goes beyond the administering of free and fair elections, the electoral process is an essential component of democracy in any society. Elections that accurately reflect the will of the people represent the foundations upon which a nation's democratic credentials can be judged. Should elections prove vulnerable to manipulation and violence, than the other building blocks necessary for civil society -- the courts, the media, the civil administration -- are all at risk. Thus, the implementation of electoral assistance is a priority for Canadian foreign policy.

Elections have also become a key part in efforts to rebuild war-torn societies and to heal internal divisions. Free and fair elections support peacebuilding efforts by establishing institutions with the legitimacy to govern and to solve political disputes peacefully. Furthermore, the technical and material support provided through various forms of electoral assistance can open the doors to Canadian commercial opportunities for suppliers of electoral services and supplies.

**ELECTION RELATED ACTIVITIES:**

Technical assistance and material support, international observers, and education and training programs are the essential elements of Canadian support efforts. Regardless of whether the focus of these activities is an immediate or future election, the objective is to develop an effective democratic process.

- **TECHNICAL ASSISTANCE:** Technical advisors and electoral materials from Canada can provide ill-equipped electoral authorities in new democracies with the tools to run a technically and legally sound election. While these advisory services are generally tied to a particular election, they also enhance the capacity of local authorities to carry out future elections.

- **OBSERVERS:** International observers have three primary functions: First, they can legitimize a successful election or identify a flawed process. Second, they can deter attempts at fraud, intimidation or violence. Third, observers can inspire voter and opposition confidence in the integrity of the process, prompting higher participation rates. The presence of foreign observers sends a strong message concerning international support for democracy, and their reports can contribute to the design and development of appropriately targeted electoral assistance in the period between elections. Observers, who are in the

country for a short period around election day, do not act as advisors on the ground during an election. Their role is to observe the immediate pre-electoral period, the vote and the count and reserve their comments until after the vote.

- **TRAINING AND EDUCATION:** Training programs for electoral officials, from senior members of electoral commissions to poll workers, can bolster indigenous capacity to manage a sound electoral process. Voter or civic education programs can have a profound and lasting impact on the entrenchment of democratic ideals. This is particularly important in regions where understanding and support for democratic principles may be more fragile, and for disadvantaged groups for whom democracy may seem an incomprehensible or unattainable luxury.

**THE CANADIAN RECORD:**

Canada has built an exemplary international reputation in support of democratic development. Over the past five years, Canada has mounted more than 130 technical and observer missions in nearly 80 countries, including South Africa, Haiti, Russia, Bosnia, and Cambodia, and we maintain an active program of long term assistance in the period between elections. Canadian supplied election materials, such as ballotboxes, paper and ink, are commonplace in elections throughout the world. In addition, civic education and training initiatives have become a staple of CIDA programming throughout the developing world.

Canadian efforts have been focused primarily in Africa, but numerous missions also have been undertaken in Asia, Latin America and the new democracies of Central and Eastern Europe. Typically Canadian observer or technical missions are small, involving 1 or 2 people for varied periods of time. In addition CIDA maintains active longer term democratic development projects throughout the world. Canadians have been also called upon by multilateral institutions and international non-governmental organizations to take a leading role in international electoral assistance efforts. Canadians have headed UN electoral operations in Mozambique and OAS operations in Haiti and a Canadian was one of only two foreigners asked to serve on the Independent Electoral Commission in South Africa. Canadians took a leadership role in organizing the elections in Bosnia.

**WHO IS INVOLVED:**

Canadian involvement in electoral assistance overseas involves a consistently high level of teamwork. CIDA, the Department of Foreign Affairs and a range of domestic partners, including Elections Canada, have established an effective system

to jointly manage Canadian electoral support initiatives. CIDA, through its development network and resources ensures the fullest integration of electoral assistance efforts within the broader democratic development context, including the activities of the NGO community. DFAIT has the responsibility to ensure that these electoral efforts reflect Canadian foreign policy goals. The technical advisors, trainers and observers selected for electoral missions overseas come from a variety of backgrounds, ranging from electoral experts with experience in domestic Canadian elections to former Canadian diplomats, NGO workers, academics and parliamentarians. Canada also makes frequent use of Canadians resident in a particular country to assist in our observation efforts, taking full advantage of their local expertise.

**HOW WE DECIDE WHERE TO GO:**

Deciding when and where to recommend Canadian support depends, in part, on the type of electoral participation that is envisaged. For example,while we may not send *observers* to a country where the electoral infrastructure is suspect because of concerns about legitimizing a flawed process, providing *technical* assistance in such circumstances may be exactly what is required.

**CRITERIA FOR ASSESSING OBSERVER REQUESTS:**

Because of the political sensitivity connected with responding to invitations to send international observers, explicit criteria have been developed as a guide in making recommendations to the Minister for observer missions.

**1. Canadian Foreign Policy Interest:** What foreign policy or development interest would be served by a Canadian presence, taking into account regional or bilateral interests? Is there a political message we wish to convey by sending (or not sending) a mission?

**2. Official Request:** Has a request for observers been issued? Canadian observers can only be sent if an official request has been received from the government, electoral authorities or a multilateral organization involved in the elections. Requests from political parties or other potentially partisan groups are declined.

**3. Commitment to Free and Fair Elections is Genuine:** Has the required technical and political infrastructure been put in place to allow for a free vote, taking into account the peculiarities of the local situation? We will rely heavily on the Mission's judgement in determining whether the conditions for fairness exists.

**4. Need for Observers:** Is this a watershed or early-stage

election? If this is the third or fourth free election, with no major problems having been encountered previously or anticipated, are observers really needed? Often new democracies continue to invite observers long after they are really required because the invitation has always been part of their electoral process. Given the limited funds available we cannot agree to such requests.

**5. Available funds:** Are there funds available through local or international sources? Most bilateral election observation missions will be funded through CIDA. Multilateral missions are generally funded by the organization. Requests from multilateral organizations should indicate whether funding for Canadian observers will be required.

**6. Security Situation:** What is the security situation in the country with particular reference to personal security? Are there direct threats to the electoral process?

DFAIT/AGP/July 1997

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# REFERENCE GUIDE FOR ELECTION OBSERVERS

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## *PREFACE*

### I - User's Guide

This Reference Guide is designed primarily to assist those election observers:

i) who arrive shortly before the polling day(s) and leave soon afterward;

ii) whose role is to "passively" evaluate the election, to obtain information concerning electoral activities occuring before their arrival, and to take comprehensive notes of all events during their stay in the country;

iii) who have not been given authority as "active" monitors or supervisors to give advice, guidance or instructions to election officials or political representatives, or the mandate to supervise the administration of the election process;

iv) whose mandate, individually or collectively, is to arrive at a conclusion about the election, based on factual information obtained; and/or

v) who report this conclusion publicly to the media, to the responsible organizations of both the host and the sponsoring countries, or who report privately to the sponsoring body.

### II - Contents

The Guide is subdivided into six sections:


**A. A BASIC APPROACH TO ELECTION OBSERVATION**

**B. PRE-ELECTION DAY REVIEW**

**C. ELECTION DAY: OBSERVING VOTING ACTIVITIES**

**D. OBSERVING THE COUNTING PROCESS**

**E. POST-ELECTION DAY CONSIDERATIONS**

**F. THE OBSERVERS' REPORT(S)**

## III - Checklists

In addition to the narrative guidelines which follow, a pull-out checklist, located in the centre of this Guide, is provided to assist observers when visiting polling stations.

In addition, an observers' travel checklist of materials and supplies can be found at the back of this Guide.

## IV - Purpose

These guidelines are designed to be general in nature, so as to cover a wide variety of electoral events and systems. As a result, depending on the characteristics of the observer group - including the time and resources available for their preparation, the nature and extent of their observation activities, and the numbers and composition of the group - it may not be possible to follow the guidelines in their entirety, either in sequence or in content. Similarly, observers may not be able to obtain all of the information suggested in this Guide. However, it is important to realize that every insight gained in respect of any of the points outlined here will be of assistance in arriving at the final evaluation.

Readers should be aware that numerous observer guidelines, manuals, checklists and articles on election observing have been prepared by other organizations, which deal in more detail with a number of the subjects in this Guide. Most of these documents can be obtained through the United Nations Electoral Assistance Unit, in New York.

The sections which follow have been designed as a general guide. More detailed information can be found in the documents referred to above.

## *A. A BASIC APPROACH TO OBSERVING ELECTIONS*

### I MANDATE

Observers will normally be given a mandate by their sponsoring body. As a general rule, they are asked to report on their observations of the election process and to reach conclusions as to whether the election process was administered freely and fairly, and whether the outcome was valid.

To be able to do this, the observation must be carried out in terms of the laws and regulations affecting the election and within this framework observers must weigh all aspects of the electoral process such as voter registration, candidate selection and registration, the political campaign, media access, and the voting and counting systems, in addition to what they experience on polling day. It often happens that observers are not in the country for a long enough period prior to the election to have a comprehensive knowledge and understanding of the electoral environment or the events leading up to election day. In such instances, it is invaluable for election observers to seek out those groups which can provide them with comprehensive information that will assist them in meeting their mandate.

### II SOURCES OF INFORMATION

Observers should attempt to use all available briefing sources from both within their own countries and the country whose election is being observed. As much information as possible should be sought before observers visit the polling stations.

Examples of sources can include:

1. *Foreign affairs departments and diplomatic missions* on the subjects of political and social conditions, medical and security precautions.

2. *Pre-election advisory, observation or fact-finding teams from the same or other organizations* on the current electoral environment, political and electoral activities, and problems which have occurred.

3. *Representatives of the responsible electoral body, nationally and locally* on the Constitution, the Elections Act and Regulations, the electoral organization, election administration and the complaints process.

4. *Political party representatives* on campaigning, including rallies, the media, registration, violence and intimidation.

5. *Non-governmental groups* on the human rights situation, voter education and national observer initiatives.

6. *The "man-on-the-street"* on their view of the election, degree of confidence in the secret ballot and understanding of the choices available.

7. *The media* on electoral developments, restrictions and activities, intimidation, political bias, etc.

8. *Pre-election reports and recommendations* made by any of the above groups or organizations.

While making sure that all the subjects listed above are covered as far as is possible, observers should not restrict themselves to the sources mentioned. Rather, they should make use of as many different sources as are available.)

Throughout the election, observers will often be the recipients of second- or third-hand information and rumours. An objective observer is one who does not accept information at face value **unless** the facts can be verified, preferably first-hand. Observers should remember that the very fact that they are international observers may add unwarranted credibility to unsubstantiated information that they may mistakenly pass on.

## III LEGISLATION

Although observers are not required to interpret the legislation, it is to their advantage to become familiar with the key elements of the Constitution, and the Election Law and Regulations, and how these provide for the essential underpinnings for democratic development through multi-party elections.

Furthermore, an understanding of the legislation will greatly assist in the process of observing the voting and counting, in responding to questions, and in preparing the observers' report(s).

More detailed discussion of the subjects referred to in I (Mandate) and II (Sources of Information) above will be dealt with in Section B (Pre-Election Day Review).

## IV TERMS, CONDITIONS AND CODE OF CONDUCT

Not only may the sponsoring body provide observers with a code of conduct, but some countries may also include a code of conduct for observers in their legislation or

regulations. Whether or not a written code of conduct exists, all observers should conduct themselves according to the following principles:

**Observers should:**

1. Obtain official accreditation from the receiving country to permit access to the polls and other election sites;

2. Be impartial and non-partisan;

3. Not interfere in the internal jurisdiction or affairs of the country;

4. Not disrupt or interfere in the election process, or at the polls;

5. Have freedom of access to speak to or meet with all political parties, candidates and election officials, subject to availability;

6. Have freedom of access to all polls and counting centres at all times, unless they are temporarily overcrowded; and

7. Have freedom of movement throughout the country, without prior permission or notification, subject to valid security considerations.

8. Have the freedom to report independently and publicly on their findings, observations and conclusions.

## V RECORDING OBSERVATIONS

In order to facilitate the recording of observations throughout the election period, it is useful to carry a pocket notebook for noting the time, date, place and circumstances observed or complaints received, as these arise.

The very act of taking notes conveys an immediate impression of interest and concern. Where a complaint arises, the recording of the information itself often provides assurance to the complainant that the concerns will be conveyed to a higher authority.

Checklists for use both before and on polling day are also helpful reference tools and may be provided by the sponsoring body.

Using notebooks and checklists on the spot will ensure that specific details are easily accessible during the preparation of both the final observation report and of any interim reports, whether planned or required due to special circumstances.

## *B. PRE-ELECTION DAY REVIEW*

In the previous section, reference was made to potential sources of information which observers might consult prior to visiting the polls.

The following paragraphs focus on the range of topics which might be explored or discussed with the various information sources, PRIOR to polling day. These topics include:

1. The Constitution and Election Legislation;
2. Human Rights;
3. The Judiciary;
4. The Military and the Police;
5. The Responsible Election Body or Bodies;
6. Electoral Boundaries and Representation;
7. Parties and Candidates;
8. Political Campaigns;
9. The Media;
10. Civic Education and Voter Information;
11. Voter Registration;
12. Voting Procedures;
13. Counting Procedures; and
14. Recounts and Recourse.

Some typical questions or points for consideration on each topic are raised below as a guide to the kind of information which might be sought in the information-gathering phase. There are undoubtedly other questions which observers will wish to add to the list, depending on their particular areas of expertise and concern, as well as on local conditions.

It is essential that observers fully understand the objective of the electoral event, whether that is an election, plebiscite or referendum at the presidential, national and/or local level(s).

### 1. The Constitution and Election Legislation

Does this legislation provide for:

- basic democratic rights to vote and be elected;
- freedom of speech and expression;
- freedom of assembly and association;
- universal suffrage; and

- the secrecy of the vote?

Are the provisions of the constitution and the electoral legislation respected and applied systematically and fairly by the government and by the electoral, judicial and other authorities?

Does the electorate perceive that the legislation is applied equitably?

2. **Human Rights**

Are rights such as freedom of expression and assembly respected and applied in an even-handed way?

Is the general population aware of its rights and freedoms?

What are the problems or human rights abuses?

Is there a mechanism for redress?

How quickly are complaints dealt with?

Is the application of human rights principles improving or deteriorating in the period leading up to the election?

3. **The Judiciary**

Is the judiciary independent of political influence?

Is it impartial and does it dispense justice fairly and equitably?

Is it seen to be credible and trusted by the general population?

4. **The Military and the Police**

Do the military and the police have significant political influence or exert significant political power?

Do they interfere with civilian control?

Do they play a dominant or influential role in the election process or in government?

Do they intimidate the electorate, parties or candidates by their presence or their actions?

Will they be voting at the regular or special polls?

If at the regular polls, will they be voting in uniform?

Are there, or were there, any states of emergency, curfews or other controls in effect?

## 5. The Responsible Election Body or Bodies

What is the composition of the senior body?

How and by whom were its members appointed?

Is it a neutral, impartial, and/or balanced mechanism, preferably (but not necessarily) independent of government, legislatively, structurally, physically and financially?

Does it deal with all political parties in an even-handed way?

Does it apply the electoral act faithfully to the wording and intent of the legislation?

Are the field organizations throughout the country independent and impartial?

Do these offices have the logistical, personnel and material support necessary to carry out their roles and responsibilities?

## 6. Electoral Boundaries and Representation

What is the representation system? *Majority* (e.g., single member, multi member); *Proportional* (e.g., full, limited); *Mixed* (e.g., single transferrable vote, single non-transferrable vote, limited voting)

How are the representatives elected or selected (e.g. strict lists, direct voting)?

Are the electoral districts, regions or constituencies defined so as to ensure relatively equal representation of the population?

What were the criteria that were used in establishing the electoral boundaries, and are they recorded in legislation or policy?

Was the establishment of boundaries carried out by a non-partisan independent body?

Is there any evidence of boundaries being drawn to favour one political party over another?

## 7. Parties and Candidates

How many parties and/or candidates are competing?

How much time was there for new political parties to organize themselves prior to the setting of the election date?

What are the registration/nomination requirements?

Do these discriminate or bar any parties or candidates from competing?

Was the party/candidate registration process conducted fairly?

Is there a code of conduct required of parties/candidates?

Is it respected and followed?

Are any parties boycotting the election?

How are parties funded?

Are there provisions for funding of parties?

Are there limits on contributions or spending by parties and/or candidates?

Is there public reporting (disclosure) of party finances?

Is the political playing field reasonably level?

Is there a clear separation between government activities and resources and those of the governing party?

## 8. Political Campaigns

Are parties/candidates free to conduct political rallies and to freely communicate their views anywhere in the country? Are permits required to hold meetings?

If so, are they issued equally to all parties?

Has violence or intimidation occurred during the campaign?

How was the violence dealt with by the authorities?

Are there any dispute-resolution mechanisms in place?

Were all parties able to communicate with the electors to the extent and in the manner they wished?

**9. The Media**

Do media services exist that are independent of government control?

Do they present the full range of political views?

Is there any evidence of media control or censorship by the government or any particular party?

Do all parties/candidates have equitable access to the mass media for publicizing their political platforms either in paid or unpaid messages?

Do they have equitable access to state and public service media?

Is the media directly, or through other groups, actively involved in voter education?

Does the media have a code of ethics or code of conduct related to the election?

Is state and public service media coverage reasonably well-balanced and non-partisan?

**10. Civic Education and Voter Information**

What is the nature and scope of the civic education and voter information program?

What bodies are responsible?

Are the political parties/candidates involved?

Are some programme elements targeted to specific groups such as women, youth, electors with disabilities, aboriginal and ethnic minorities and illiterate electors?

Are the information materials suitable for their target audiences?

Is the electorate adequately informed concerning the democratic process and the

range of choices available?

Does the electorate know about the voter registration process and the voting process?

What information materials are available to the electorate?

What is the literacy rate of the country?

If the illiteracy rate is high, what methods are used to disseminate information?

Are these materials produced in the different languages of the electorate? (if applicable).

## 11. Voter Registration

What are the voter eligibility criteria?

Do these provide citizens with the right of access to the process?

What is the registration process?

Is it effective, impartial and non-discriminatory?

Is it necessary to present a voter registration document at the poll?

What is the estimated eligible voter population and on what is this estimate based?

Is the registration undertaken before or during the election period?

How many electors have registered prior to election day?

What percentage of the estimated total does this represent?

How are people's names removed from the register?

How are people added to the register?

What is the deadline for removals or additions?

What provisions are there, if any, for late deletions or additions?

What provisions are there for replacement of lost or stolen registration documents?

What are the most common registration problems?

How do the political parties/candidates view the registration process? and do they play a role in it?

Have some electors not registered and for what reason?

Will the electoral register be up-to-date on polling day?

Is there a mechanism for registration on polling day?

Is there an effective objection and appeal process?

**12. Voting Procedures**

What is the step-by-step voting procedure?

How many polling stations will there be?

How many election officials are assigned to each polling station and what are their responsibilities?

How many electors are expected to use each polling station?

How far will electors have to travel?

What provisions are in place to prevent multiple voting?

What is the nature and extent of the training programme for election officials?

How are the poll officials selected?

Who is permitted to be present in the poll during and outside voting hours?

What is the role of the party/candidate agents at the poll?

Are there local national observers?

What are the special provisions, if any, for prison inmates and handicapped, ill, minority language or illiterate voters?

Are there provisions for voting outside the country?

What are the arrangements for the secure distribution and delivery of election materials, and supplies to and from the polls?

To what extent is authority delegated to regional or local poll officials?

What are the telecommunications facilities?

What are the problem-resolution mechanisms established for polling day?

What built-in security measures have been used in printing ballot papers?

How are the ballot boxes sealed?

## 13. Counting Procedures

Are the ballots to be counted at the polling stations or in one or several central counting centres?

If the ballots are counted at the poll, are the results announced and posted there?

If the count is to be done in a regional counting centre, what are the security arrangements for transporting the ballot boxes and for the duration of the count?

Who may be present when the ballots are counted?

How are counting officials selected?

What is the nature and extent of their training?

What are the criteria for accepting or rejecting a ballot?

What is the role of the political party representatives?

What is the reconciliation process (if any)?

How are the results to be compiled, released, verified and published?

## 14. Recounts and Recourse

What are the conditions under which recounts may be required?

Who requests them - or are they done automatically under certain circumstances?

Who supervises a recount and declares the final result?

Is there any recourse in the event of a challenged election? - Are the courts involved?

## PRE-ELECTION ACTIVITIES

Several days to a week before polling day(s), observers should travel to the area(s) they plan to observe in order to locate the polling stations and meet with the responsible local election and civic officials. They should discuss with these officials the preparations that are underway for the election and any problems that are being encountered or are anticipated.

It may also be useful to meet with local representatives of all political parties and with other observers. In this way, not only will observers be familiar with the location and with the individuals responsible prior to polling day, but they may also avoid duplication of effort with other observers and will have established an international presence in the community.

## C. *ELECTION DAY: OBSERVING VOTING ACTIVITIES*

Two options are available to observers visiting polling stations. Ideally, activities in only one polling station should be observed for a period starting before the opening of the polls, throughout the day, to after closing time. (The counting process will be discussed in the next section.) However, most international observers, because of their limited numbers, find it preferable to visit a number of polling stations, in order to obtain a wider overview of the polling day activities, to make some unexpected visits (the surprise element), and to establish an international presence in the region or district, rather than in only one location.

### 1. PRIOR TO THE OPENING OF THE POLLING STATIONS

Observers should arrive at polling stations prior to the time scheduled for the opening of the polls. At this time it should be noted whether:

- all required election officials are present;
- all accredited party/candidate representatives are present;
- other national or international observers are present;
- all election supplies and lists of electors are on hand and functional;
- ballots, ballot boxes and seals have been carefully guarded and secured up to and since their arrival at the poll;
- all forms, protocols and other documents have been signed by those responsible, as required by law;
- the responsible election officials are fully aware of and follow all requirements for setting up and opening the poll;
- ballot boxes are shown to be empty before being sealed in the presence of party/candidate representatives and observers;
- the serial numbers on the ballot boxes, ballot stubs and on the seals used (where applicable) are recorded by those present;
- adequate security for the poll has been provided;
- queues of voters waiting for the polls to open are controlled and orderly; and

- the poll opens on time at the designated hour.

If the poll does not open at the time provided for by law, the reason for the late opening should be recorded.

## 2. AT THE POLLING STATIONS DURING VOTING HOURS

When visiting any polling station, observers should ensure that their activities do not disrupt the voting process in any way. Conversations with election officials should be held only when they are not occupied with voters, and conversations with political/candidates' representatives and other observers should preferably take place outside the polling station. Finally, permission should be obtained from the presiding officer or individual concerned before any photographs are taken, as this is frequently discouraged or not permitted.

When inside the polling station, observers should note whether:

- there are long queues of electors and whether these are orderly;
- there is a military or police presence and whether this creates an atmosphere of intimidation;
- there have been any incidents of violence or intimidation at the poll;
- there is any evidence of party or political colours, symbols or propaganda in or near the polling station;
- voters encounter any confusion or difficulty on entering the polling station;
- there are problems related to the list of electors (if applicable) or the acceptability of voter identification documents;
- problems and challenges concerning identity documents, missing documents or the voters lists are expeditiously and knowledgeably dealt with, without seriously disrupting the voting process;
- all procedures related to checking for and applying indelible ink (as applicable) are followed;
- there is sufficient ink and, if related lights or machines are used, whether these are functional;
- the stamping, initialling and issuing of the ballot paper(s) (as applicable) is in

accordance with the defined procedures;

- election officials are knowledgeable concerning special provisions (if any) which might apply to blind, disabled, and to illiterate and other electors who may need extra assistance;

- to what extent voting by blind, disabled or illiterate voters is a secret vote and whether this group forms a significant percentage of the population;

- on leaving the voting screen, voters have folded their ballots so as to ensure the secrecy of their choice;

- election officials ensure that all ballots cast are deposited in the correct ballot box;

- electors leave the polls in a quiet and orderly manner;

- political party representatives were able to witness and, if necessary, question or challenge any aspect of the voting process; and

- the administration of the polls was such as to create confidence that all electors would be able to cast their votes within the time allotted.

Observers may find it useful to determine the average time it takes a voter to vote from entry to departure. In addition, depending on what time of day the visit takes place, observers may be able to forecast, by determining the maximum number of electors at any poll compared with the number of votes already cast, the time remaining, the number of people waiting, and the average time to process each elector, whether all electors will be able to vote before the official close of the polls. In some cases, where it appears there may be problems in this respect, observers may wish to revisit certain polls.

## 3. THE CLOSING OF THE POLL

Observers should attempt to attend the closing of a poll at a location where possible problems might be anticipated, such as a remaining queue of electors.
At the close of the polls, observers should determine whether:

- the polls closed at the time provided for by law;

- the closing of the poll was extended due to late opening or other similar circumstances (as provided by law or at the personal discretion of the election official);

- electors who had not yet voted but were 'in line' were permitted to vote (as provided for in the law or at the personal discretion of the election official);

- there were any disruptive or violent incidents related to the closing of the poll;

- all procedures and reports related to the closing of the poll were followed;

- all necessary security provisions concerning ballots, ballot stubs, ballot boxes, seals, etc. were respected; and

- party/candidate agents and observers were satisfied with the actions taken by the poll official(s).

## *D. OBSERVING THE COUNTING PROCESS*

The counting of the ballots is often carried out at the polling stations immediately after the close of the polls. However, some countries, often for security reasons, conduct the counting at one central location or at a number of regional counting centres. In these situations, ballot boxes and related materials need to be transported, thereby raising additional concerns which the observer must take into account.

### 1. Transportation of ballots from the polling station to a counting centre

Where ballots are transported from the polling station to a counting centre, observers should determine whether:

- all the ballot boxes, seals, unused ballots, stubs, etc. being sent have been properly sealed, secured and recorded;
- all the preparations have been observed by party/candidate agents and observers;
- the responsible election officials, military, or police, etc., as provided for by the election authorities, are present and have provided for suitable transportation facilities and adequate security;
- the ballot boxes, related election materials and reports are accompanied in the same vehicle by party/candidate agents and possibly observers;
- the length of time taken to transport the ballot boxes from the poll to the counting centre is unreasonably long;
- there were any incidents or complaints relating to the transport of ballot boxes; and whether
- on arrival, there is any evidence of tampering with or the replacement of any of the balloting materials.

### 2. Counting at the poll or counting centre

At the poll or counting centre, the observer should determine whether:

- party/candidate agents and observers are present throughout;
- media representatives are permitted;

- security is adequate and is the responsibility of the military or the police;
- counting officials are well-trained and fully aware of all the steps required;
- ballot boxes are unsealed in the presence of agents and observers;
- the ballots in each box are totalled separately;
- the total number of ballots in the box are reconciled with the total number of ballot stubs (less spoiled ballots) and with the number of electors who voted (depending on the electoral system);
- any irregularities were noted before mixing the ballots with those of any other boxes and/or starting the count (depending on the electoral system);
- all sorting and counting of ballots was open and clearly visible to agents and observers;
- decisions as to rejected or invalid ballots were consistent, equitable and in accordance with the law;
- the number of invalid ballots was significant enough to suggest a protest vote or a lack of knowledge of how to mark the ballot by the elector;
- party/candidate agents challenged counting or invalid ballot decisions and whether these were dealt with in accordance with the law;
- party/candidate agents and observers were permitted to make or were given copies of the results of the count(s) which they observed;
- the result was announced at the counting site or forwarded to a higher authority for announcement;
- a parallel "quick count" was carried out by observer groups;
- following completion of the count, all balloting materials were secured and guarded; and whether
- balloting materials were sent to another location for recount or storage and if so, were accompanied by agents and/or observers.

## *E. POST-ELECTION DAY CONSIDERATIONS*

It is quite common to find that even unofficial election results are not available on election night. In such cases, partial results may not be sufficient to predict the final outcome. In some instances, several days or even weeks are required before the official results are announced. Because the greater the length of time that elapses between the count and the announcement of the results, the greater the level of suspicion and accusations of manipulation and fraud, this period presents a critical challenge to observers.

Observers should therefore attempt to follow closely any and all final vote tallying which may take place in the period leading up to the announcement of the official results.

Once the announcement is made, the observers should:

- determine the level of credibility given to the announcement, and the level of public acceptance;

- determine the percentage of votes cast as related to the total number of electors, to establish whether a majority of the population voted;

- calculate the total number and percentage of spoiled and rejected (invalid) ballots, to establish whether there is any significant impact on the results. If so, an attempt should be made to determine the cause of this occurrence;

- determine the number and percentage of votes and seats obtained by parties/candidates and assess the overall results, in order to establish whether the results indicate a clear, unqualified expression of the wishes of the electorate;

- try to establish whether all participating parties accepted the results, and, in the case of complaints or objections, the seriousness of these; and

- determine how expeditiously investigations and complaints were handled and by what authority.

**Given the importance of these factors, it is desirable that at least some observers remain for a reasonable period after polling day, in order to obtain first-hand information to complete their reports.**

## *F. THE OBSERVERS' REPORT(S)*

Observers may be asked to make one (or more) of the following types of reports:

1. "Off-the-cuff" reports

An informal, on-the-spot "report" is sometimes requested by the media, an embassy, political or electoral officials or others during the course of the election. In such circumstances, observers are advised to provide very little or no information, rather than comment, perhaps unwisely, on electoral processes which are not yet complete, or risk compromising their impartial status by making premature judgements.

2. Special reports

A special report may be made during the course of the electoral period preceding polling day. There may be one or a series of these reports. They could be status reports on the progress of the various electoral activities or they could focus on specific problems, abuses, or other negative situations which may be expected to have a detrimental impact on the election. These types of reports are sometimes useful as a basis for discussions with election, government or party officials in order to resolve problems when they are identified. Although such reports are often produced by pre-election monitoring or technical assistance teams, it may sometimes be desirable and useful for observers to prepare one or more interim reports.

3. The Observer's Report

During the course of the election, members of observation teams will often visit different polling stations and will record their comments separately. Subsequently these observations will be discussed and amalgamated into an observers' group report. The comments and suggestions which follow, provide some guidelines as to the context and approach to the preparation of this final report of the observer team. (A single observer who is not part of a team should also use the guidelines which follow in preparing his or her final report.)

4. The Observer Team Report

(a) Deciding on contents

This report should identify the participants of the observer group and briefly describe their activities from the time of arrival to the time of departure. The sources of their information, especially with respect to events which occurred

prior to their arrival or which they did not observe firsthand, should be reported.

It is usually helpful to review the fourteen areas described in Section B of this Guide (Pre-Election Day Review), and to report on any critical matters - positive or negative - especially those which had a lasting influence on the electoral event.

This can be followed by a description of the group's observation of the voting activities on polling day, including the count. Examples of significant observations made by the members should be provided.

(b) Drawing conclusions

This narrative review of the electoral process will often, in itself, lead to an obvious conclusion as to the group's overall evaluation of the electoral event. While every election has its flaws and problems, in the majority of cases these are not sufficient grounds to reject the whole process. However, there have been instances where elections have been clearly illegitimate. The most difficult evaluations to make involve those elections which fall somewhere between the two extremes. In such cases, the job of the observer is often made even more difficult by pressures from the media and others to render an absolute judgement as to whether the election was "free and fair".

(c) Was the election "free and fair"?

At the outset, observers should avoid the "Trap" of evaluating an electoral event as free and fair on the grounds that all aspects of the voting process went smoothly on polling day, with no evidence of major incidents of fraud, intimidation or disruption. Indeed, before deciding whether an election has been free and fair, a smooth-running polling day must be viewed in the context of the legislative and political environment and of the events preceding as well as following polling day, up to and including the announcement of the official results.

Definitions

In reviewing all of these elements in the context of "free" and "fair" elections, the following definitions are offered for consideration:

"**FREE**" = an electoral process where fundamental human rights and freedoms are respected, including:

- freedom of speech and expression by the electors, parties, candidates and the media
- freedom of association, that is, freedom to form organizations such as

political parties and NGO's
- freedom of assembly, to hold political rallies and to campaign
- freedom of access to and by the elector, to transmit and receive political and electoral information messages
- freedom to register as an elector, a party or a candidate
- freedom from violence, intimidation and coercion
- freedom of access to the polls by electors, party agents and accredited observers
- freedom to exercise the franchise in secret
- freedom to question, challenge and register complaints or objections without negative repercussions.

"**FAIR**" = an electoral process where the "playing field" is reasonably level and accessible to all electors, parties and candidates, and includes:

- an independent, non-partisan electoral organization to administer the process
- guaranteed rights and protection through the constitution and electoral legislation and regulations
- equitable representation of electors provided through the legislation
- clearly defined universal suffrage and secrecy of the vote
- equitable criteria and opportunities to register as an elector, a political party or a candidate
- equitable and balanced reporting by the media
- equitable access to financial and material resources for party and candidate campaigning
- equitable opportunities for the electorate to receive political and voter information
- accessible polling places
- equitable treatment of electors, candidates and parties by election officials, the government, the police, the military and the judiciary
- an open and transparent ballot counting process
- an election process which is not disrupted by violence, intimidation or coercion.

(d) Final evaluation

In the case of observer groups, following a review of individual reports, the final evaluation should normally be reached through consensus of all members.

If we accept the statement that "Every state should be possessed of a government whose authority derives from the will of the people as expressed by a secret ballot in genuine free and fair elections held at regular intervals on the basis of

universal and equal suffrage,"[1] and since no electoral event can be evaluated as entirely free and fair in terms of the definitions listed previously, the observer must determine the degree to which the will of the majority of the voters was expressed clearly, knowledgeably and in secret, and reported accurately -- keeping in mind all of the factors which could influence the expression of their views.

The presentation of the rationale leading up to the ultimate conclusion is much more critical than the conclusion itself. First and foremost, observers' reports should be factual, and descriptive. In some instances it may be preferable to let the facts speak for themselves, and let the reader draw his or her own conclusions rather than to seek to make an overall assessment. This approach is especially applicable where there was a high incidence of serious irregularities or problems.

Therefore, the observer should resist being pressured into making a judgement as to whether the election was "free and fair" in every case. In instances where such a conclusion may be appropriate, observers should normally qualify the degree to which the election met the "free and fair" definitions and determine to what extent the election made a significant and positive contribution to the democratic evolution or development of the country concerned.

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[1] Free and Fair Elections - International Law and Practice, *Inter-Parliamentary Union*, 1994

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January 15, 1997

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**COMMENTS/COMMENTAIRES:**

REF AGP-0025 of 970115

As promised, Elections Canada questions for election analysis.

## OBSERVERS TRAVEL CHECKLIST OF MATERIALS AND SUPPLIES

Note: Many of these items may not be required depending on the nature, length, and location of the assignment. Conversely, other items, not on this list, may be necessary or desirable. In any event, take only the minimum number of each required item, and wherever possible, take wash-and-wear clothing. Avoid taking expensive watches or jewelery.

| Required for this trip (*) | ITEM | Quantity or Amount | Packed (✓) |
|---|---|---|---|
| | Adapter -- converter and plugs -- 230V to 115V | | |
| | Airline tickets | | |
| | Alarm clock | | |
| | Bathing suit | | |
| | Belly-bag | | |
| | Belt | | |
| | Binoculars | | |
| | Blouses - shirts - T shirts | | |
| | Books -- magazines | | |
| | Bottle opener -- corkscrew | | |
| | Bottled water or water-purifying tablets | | |
| | Briefing material | | |
| | Calculator -- extra batteries | | |
| | Camera and film | | |
| | Candles | | |
| | Citizenship document | | |
| | Coat - raincoat, wind breaker | | |
| | Computer | | |
| | Credit Cards | | |
| | Currency (cash) | | |
| | Dictating machine and tapes | | |
| | Diskettes | | |

## OBSERVERS TRAVEL CHECKLIST OF MATERIALS AND SUPPLIES

| | | | |
|---|---|---|---|
| | Dresses | | |
| | Flashlight -- extra batteries | | |
| | Glasses (and an extra pair) | | |
| | Gloves | | |
| | Hairdryer | | |
| | Handkerchiefs | | |
| | Hand wipes -- packaged | | |
| | Hat | | |
| | Insecticide -- mosquito repelent | | |
| | Iron -- travel variety | | |
| | Itinerary | | |
| | Laundry items -- soap -- travel cloathlines | | |
| | Locks and keys for baggage (and extras) | | |
| | Luggage cart | | |
| | Matches | | |
| | Medical supplies: prescription medication, condoms, aspirin, bandaids, etc. | | |
| | Money belt | | |
| | Mosquito net | | |
| | Office material -- map | | |
| | Out-of-country insurance | | |
| | Overshoes/galoshes | | |
| | Pants, slacks, skirts, shorts | | |
| | Passport and photocopies of pages 2 and 3 | | |
| | Passport photos (carry 4 to 6 spares) | | |
| | Pens, pencils, paper, notebook, paper clips | | |
| | Pillow -- inflatable | | |

## OBSERVERS TRAVEL CHECKLIST OF MATERIALS AND SUPPLIES

| | | | |
|---|---|---|---|
| | Plastic bags for laundry, etc. | | |
| | Pocket knife | | |
| | Purse | | |
| | **R**adio -- short-wave -- extra batteries | | |
| | Razor -- shaver | | |
| | **S**carf | | |
| | Shoes -- dress, running shoes, sandals, hiking boots | | |
| | Socks -- stockings -- pantyhose | | |
| | Sun tan lotion (#15 plus) | | |
| | Sunglasses | | |
| | Sweater | | |
| | **T**ape -- masking, packaging, sticky tape | | |
| | Ties | | |
| | Toiletries: soap, shampoo, makeup, talcum powder, brush, comb, toothbrush, toothpaste, sanitary napkins, etc. | | |
| | Towel -- Washcloth | | |
| | Travellers cheques (including small denominations) | | |
| | **U**mbrella | | |
| | Underwear | | |
| | **V**accination book | | |
| | Visa | | |
| | **W**alkman and audio cassettes | | |
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CA1 EA 97W52 EXF
Workshop on Election Observation
July 1997 = Atelier portant sur la
supervision du processus électoral
juillet 1997. --
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