



# Independence of Election Management Bodies



The Commonwealth  
Electoral Network



GUIDES ON GOOD ELECTORAL PRACTICES

# Independence of Election Management Bodies



The Commonwealth

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United Kingdom

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# 1. Key Principles for Independent Election Management Bodies

Experience shows that, to be effective in defending democratic legitimacy, it is best to have an independent and constitutionally protected election management body (EMB), with unquestioned control of the entire electoral process. The authority of that institution to deliver credible elections should be spelled out clearly in a country's constitution; equally importantly, its specific powers and responsibilities need to be clearly articulated in legislation.

In exercising its duties, an EMB, regardless of its form or structure, needs to be independent and impartial, subject to neither political preference nor political influence. Ultimately, the EMB is the custodian and guarantor of the integrity and legitimacy of the democratic process, and in this regard it is responsible for protecting the political rights of citizens. It can enhance its profile and confidence among stakeholders by approaching its management of the electoral process in a transparent and service-oriented way.

Staff members of the EMB must enjoy broad political and public confidence alike. As such, the selection procedure must be inclusive and transparent, and there should be a broad political consensus on the nomination and appointment of EMB members. Once appointed, EMB staff members need to enjoy security of tenure—albeit, in some instances, for a fixed period—to avoid political interference or arbitrary removal.

An EMB's profile, at both national and lower levels, is greatly enhanced if it reflects the profile of society. A national body enjoys the highest profile; hence it is imperative that, while staff members must have the requisite competencies and experience, a gender balance be attained wherever possible.

If elections are to display integrity, they must be conducted competently and in a professional, non-partisan manner. The key institution ensuring that elections are conducted with integrity, and thereby ensuring political and public confidence in the outcome, is a professional, impartial, independent EMB.

The key principles for independence can be summarised as:

- |                        |                           |
|------------------------|---------------------------|
| • <b>Accountable</b>   | • <b>Integrity</b>        |
| • <b>Communicative</b> | • <b>Responsible</b>      |
| • <b>Efficient</b>     | • <b>Responsive</b>       |
| • <b>Impartial</b>     | • <b>Service-oriented</b> |
| • <b>Independent</b>   | • <b>Transparent</b>      |





## 2. Background: Election Management Bodies

The type of body or institution created in each country for the administration and management of the electoral process varies, reflecting the specific circumstances prevailing. The bodies responsible for administering elections are also given a variety of names, including 'commission', 'department' and 'board', among others. It may also be the case that these powers and responsibilities addressed are vested in the office of an individual commissioner. The name 'election management body' is a common generic term used to refer to any such body.

Whether the type of institution created is a large-scale, permanent commission or a more modest-sized, temporary office for managing elections, the general responsibilities involved remain fairly consistent. The manner in which an EMB conducts the election should provide a framework that enables citizens to enjoy their

fundamental freedoms and political rights. The EMB also needs to be able to plan effectively to ensure that all electoral needs and voter requirements are in place on time.

There is, however, no single standard, or ideal, model for an EMB. An EMB may assume one of a variety of structural and legal forms, and its mandate may vary to some extent. In some instances, an EMB may function in a more centralised manner; in others, it may operate in a more decentralised way, with greater reliance on, and powers devolved to, EMBs at the provincial level. Such decentralisation is likely to reflect a decentralised political system, such as a federal state, but principles and responsibilities will remain consistent across each province.

An EMB may also be structured in such a way that one body is responsible for policy, while a second associated body is responsible for implementation of the process. There are three basic forms of EMB: independent, governmental and mixed model.<sup>1</sup>

- An independent EMB is a body that is institutionally independent and autonomous from the executive branch of government, and which manages its own budget without being accountable to a ministry or government department.
- A governmental EMB exists where elections are organised and managed by a government ministry or department, or through local authorities. In such circumstances, there are often no members of the EMB as such and the budget is managed as part of a government ministry or local authority.
- A mixed-model EMB usually has two components: an independent arm, responsible for policy and supervision; and an implementation arm, which may be located within a government ministry or department.

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1 For a detailed overview of the various types of EMB and their structure and functions, see International Institute for Democracy and Electoral Assistance (IDEA), 2014, *Election Management Design*, rev'd edn, Stockholm: IDEA.

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 CONSTITUENCY OF WEST NEW GEORGIA/VANUATU  
 PUT A MARK IN THE BOX OF YOUR CHOICE  
*Vote For One Candidate Only*

**NAME OF CANDIDATES**  
 (POLITICAL PARTY/INDEPENDENT)

**SYMBOL & COLOUR OF CANDIDATE**

**MARK**

Silas KERRY VAGARA TAUSINGA <i>(Independent)</i>		
George TEMAHUA <i>(Independent)</i>		
Peter UMEIA <i>(Independent)</i>		
Wilfred LUIRAMO <i>(Independent)</i>		
Warren Alebule PALA <i>(Independent)</i>		
Peter James BOYERS <i>(Independent)</i>		
Billy YEO <i>(Independent)</i>		
Malloney LOPOTO <i>(Independent)</i>		
Alfred KACHUNA <i>(Independent)</i>		

**OFFICIAL MARK**

**OFFICIAL MARK**

**Total number of tenders**

**Signature of Presiding Officer**

**NAME**

**POLL**

**CON**

**have**

**On Ballot**

**Box**

**PF**

While, in the structural context, the term 'independent' refers to the form of the EMB and its relationship with the executive (often defined by a country's constitution), the way in which the term is used in the title of this document—and the form of independence on which this document focuses—refers largely to how an EMB goes about its work and its decision-making. Crucially, 'independence' in this regard is about how an EMB conducts itself and how it manages the election process—that is, the requirement that it avoid government, political or other influence or bias in its work and decision-making.

In this sense, the EMB should be seen to engender a culture of independence at the institutional level and, notably, within its leadership, which culture can ultimately help an EMB to be—and to be seen to be—impartial and credible. Independence and

impartiality are critical if stakeholders are to have confidence in, and accept the outcome of, the election process. Failure to achieve either can have a disastrous impact on the election and hence on the country concerned.

The primary purpose of an EMB—and the purpose for which it is legally responsible—is managing some, or all, of the elements involved in the conduct of elections and referenda, etc. While the specific mandate of an EMB in each country may vary and will be established in law, EMBs generally have a broad range of responsibilities, including voter registration, voter education, boundary delimitation, candidate nomination, election dispute resolution, conducting polling and counting, and results tabulation.

The credibility and effectiveness of an EMB is therefore critical to the credibility of an election. In short:

39. For elections to have integrity they must be, and must be perceived by voters as being, conducted competently in a professional, non-partisan manner. The key institutions for promoting and protecting elections with integrity are professional, independent EMBs that conduct transparent processes ...<sup>2</sup>

The role of an EMB is therefore not simply to organise elections, but also to act as a custodian and guarantor of the integrity and legitimacy of the democratic process as a whole. In this regard, an EMB is responsible for protecting the political rights of citizens, reflecting the obligations of states, as outlined in various Commonwealth and other international instruments for democratic elections.

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2 Global Commission on Elections, Democracy and Security, 2012, *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide*, Stockholm: IDEA, p. 21, emphasis original.

### 3. Good Practices

The practices and mechanisms chosen by each country will reflect that country's particular circumstances. The good practices outlined as follows are options derived from among those found in various Commonwealth countries. Some of the practices relate to the way in which an EMB is managed and undertakes its work; others relate to the structural independence of the institution, which is particularly relevant to bodies responsible for the legal and constitutional framework governing the formation and conduct of an EMB. All such good practices can help to bolster and facilitate the independence and integrity of an EMB.

#### 3.1 Comprehensive mandate of an EMB

- The role of the EMB is not only to organise elections, but also to act as custodian of the integrity and legitimacy of the democratic process. Its primary responsibility is to protect the political rights of citizens. It is essential that the EMB's role should be cast in terms of ensuring free and credible elections that meet international and regional standards, as well as uphold national legislation. Such a role and responsibility should be reflected in the relevant legislation providing for the creation and responsibilities of the EMB.
- The EMB should have responsibility for the entire electoral cycle. This means that—in addition to determining who is eligible to vote and to stand for election, organising polling, and counting and aggregating votes—the EMB may be responsible for the delimitation of electoral boundaries, candidate registration, voter education, and post-election review and reform processes. In some contexts, other institutions may have responsibilities for certain aspects of the electoral process, but in the event that a separate institution has certain election-related responsibilities, the EMB should have overall responsibility, allowing it to take a holistic approach to managing

*Efficient  
Independent  
Integrity  
Responsive*

the electoral process. Ultimately, the law will define the EMB's responsibilities and the EMB must act accordingly, taking care to interpret the law only as permitted.

- It is important that infringements of the electoral law, or of any other regulations, are dealt with promptly and at the appropriate stage of the electoral process to ensure a timely and effective legal remedy. The EMB may handle this process, even though it has no judicial responsibility, or a country may choose to establish a special body or to apply 'fast-track' procedures using existing administrative and/or judicial bodies. If such disputes are not handled promptly, the work of the EMB may be undermined and the credibility of the process negatively affected.

### 3.2 Confidence in the composition and appointment of an EMB

*Accountable*  
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- The EMB must be independent and impartial, which means that it must not be externally directed or controlled, or subject to undue influence—including, most crucially, by government, but also by opposition, financial (local or foreign) and other interests. The EMB must comprise staff who have the confidence of society as a whole and must be inclusive, for example regarding gender and national minorities. Staff should also command the trust of the political parties.
- The integrity and competence of those selected to staff an EMB is critical. There are several ways in which this might be approached, including the following.
  - Where trust is lacking, political parties may lobby for a system that allows them to appoint members. This system can ensure political buy-in and afford utmost transparency for political stakeholders, but can also serve to politicise the institution and may lead to acrimony or deadlock. Further, as political circumstances change, such a model may become less suitable, for example as new political forces emerge or the political landscape shifts. In addition, an EMB



should not be so large so as to be unwieldy. For example, in the event of a large number of election contestants, including independents, there can be disagreements as to which parties should be allowed to nominate EMB staff member. Conversely, parties may struggle to find suitably competent persons.

- Another approach is to appoint persons on the basis of their standing within society. They should be people who carry moral authority, and who are known for their wisdom and common sense. It is also quite common for EMB staff members to be drawn from among current or former members of the judiciary, hence ensuring legal competence.
- Alternatively, posts can be advertised and subjected to public scrutiny. This ensures an open and transparent process, with the suitability of persons assessed based on their ability to meet basic criteria and standards.
- Although the head of state or government might formally appoint EMB members, the nomination and/or selection of members needs to ensure a broad consensus, such as by means of a multi-party parliamentary committee or some similar body that ensures a broad consensus in the appointments.
- Ideally, an EMB, or at least part of it, should be a permanent body, rather than constituted afresh for each election. In this way, it will play a part throughout the electoral cycle; the EMB will also benefit from increased professionalisation and staff—and thus knowledge—retention. Should an EMB be only temporary, then mechanisms to preserve institutional memory must be in place. The question of whether or not all or some of the members need be full-time, however, depends on local circumstances. In many instances—notably, in small countries—an EMB may have only a very limited number of staff. Clearly, cost is one consideration when making such a decision.

- Members of the EMB staff should be protected by, and subject only to, the constitution and the law. Their tenure must be protected from undue political influence and they should be removable only for cause. In some cases, commissioners are appointed to permanent positions with no term limit, but this is often not the case. In the event that members serve a fixed term in office, it can be helpful to stagger the mandates of members, so as to avoid all experienced persons being replaced at the same time. It can also be helpful for such changes to take place during less busy parts of the electoral cycle.

### 3.3 EMB resourcing and budget

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*Transparent*

- The EMB must have adequate funding and not be subject to arbitrary government control. An EMB also requires appropriate staffing, accommodation, facilities for training and equipment. Such resources need to be available in good time to reflect electoral timelines.
- To be independent and accountable, an EMB needs the power to appoint its own personnel, with effective control over any seconded members of the public service. The tenure of senior staff members should be protected.
- To underscore the independence of the institution, EMBs should have the power to hire, fire and discipline staff. Staff members need to be deployed within a clear and transparent overall strategic framework and consistently with best human resources policies (including open selection on the basis of merit, gender balance, etc.).
- When staff members, including temporary personnel, are to be seconded from the public service, it is essential to avoid divided loyalties, but such a staffing mechanism can be a challenge for an EMB. Such staff should be solely responsible to the EMB at all times when involved in matters relating to elections. In countries in which there are serious concerns about the impartiality of the public services, this is very much a second-



best option, although it is recognised that the large-scale resourcing of the EMB may be beyond its means without the support of (particularly) local authorities. Further, reliance on ad hoc staff, while often necessary, also creates challenges in terms of training and loyalty.

- A comprehensive strategy for staff development, aiming at a strong skills base and good personnel retention, is essential to any EMB. This should include clear, considered strategies for the recruitment and training of temporary staff in such a way that their skills can be retained for future electoral events.
- To maintain the integrity of the EMB and to ensure public confidence, effective measures to manage expenditure must be in place. An EMB must be seen to be beyond reproach in terms of its management of finances and staff. In this respect, the EMB must ensure that effective purchasing policies are in place or, where applicable, that it demonstrates respect for public procurement policies. Transparent procedures must be in place to ensure full accountability in the event of any dispute.

### 3.4 Providing EMBs with regulatory powers

- Elections are to be run according to the prevailing laws in a country. Detailed legislation must be enacted to ensure that principles enunciated in a country's constitution, covering all aspects of the electoral process, including its fairness, are made a specific responsibility of the EMB and can be effectively challenged in the courts. The role and authority of the EMB should be defined and protected in the constitution. If an EMB's independence is to be secure, its specific competencies, powers and functions must be enacted in legislation.
- No body of legislation, however comprehensive, can address every eventuality thrown up by an election; hence it is important that the EMB should have the power to address these situations and, where appropriate, to make appropriate regulations. It should also seek to interpret laws in a positive manner wherever possible. The more confidence stakeholders

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have in the EMB, the more likely they are to trust its judgement on such matters. Legislation therefore needs to provide the EMB with the power to make policy that not only regulates conduct during elections, but also performs the wider role of driving a democratic culture between elections.

- Election dispute mechanisms vary from country to country. In some, both the EMB and the judiciary may have responsibilities; in others, only the judiciary. Regardless of the model, it is important for a local-level complaint and appeals process to be available at least in the first instance, for example for local electoral bodies to manage complaints. As far as possible or appropriate, such adjudication needs to be dealt with through administrative, rather than criminal, routes.

### 3.5 Awareness of good practices

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Independent  
Integrity  
Responsible*

- There are considerable benefits to be derived from co-operation among EMBs at both the regional and the global levels.
- The EMB should co-operate closely with similar institutions at the regional and global levels, with the objectives of:
  - raising standards through the exchange of information and experiences;
  - ensuring consistency in approaches to improve the electoral process;
  - providing practical assistance, for example through the mutual observation of elections; and
  - offering and receiving moral support and solidarity during difficult periods.



### 3.6 Review and reform of the electoral process

- No country has a perfect electoral or democratic system nor is any EMB beyond criticism. Democracy and the electoral process are always works in progress. It is therefore important that the EMB should adopt a stance of constant self-assessment, and should provide effective mechanisms to record and evaluate the views of all stakeholders on its performance.<sup>3</sup> Its performance should also be the subject of debate within parliament.
- More broadly, the EMB should be mandated periodically to undertake an assessment of the extent to which the electoral arrangements are meeting the needs of the country and

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Transparent*

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<sup>3</sup> The use of new media may be helpful in this regard: see CEN Working Group, < Report of the Working Group Meeting on the Impact of New Media on Elections, 2-3 December 2015>, The Impact of New Media on the Conduct of Elections, London: Commonwealth Secretariat.

fostering a deepening of democratic culture. As such, the EMB should undertake a 'lessons-learned review', to include stakeholder consultation in the wake of an election and also, periodically, the functioning of the electoral process and legislation, which review should result in recommendations for improvement.

- To increase transparency and professionalism, and also to establish a public benchmark against which the work of the EMB can be assessed, it should develop and publish a strategic plan, outlining its institutional and procedural aspirations over a defined period.
- The deployment of observers, both national and international, can help to increase confidence in the electoral process, as well as offer support to an EMB in the course of its duties and in its assessment of the overall quality of the process. As such, EMBs should ensure that effective and timely accreditation procedures are in place for observers, and view them as partners and resources in the establishment of credible and transparent elections. In such cases, the EMB should establish a framework of rights and responsibilities for observers, with a code of conduct, in accordance with the 2005 UN Declaration of Principles for International Election Observation and the 2012 UN Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.
- Such procedures will facilitate not only a national assessment, but also the adoption of others' good practices, as well as allow the EMB to respond to innovative technologies, which are increasingly being embraced in support of the management of the electoral process.

### 3.7 Impartiality and effective stakeholder relations

- It is essential that an EMB must be impartial in its management of the electoral process, neither showing favour to any political force nor bending to political pressure, including from government or a head of state or government. Independence and impartiality are the two key principles of any reputable EMB, without which an election cannot have integrity. All EMBs, regardless of their structure or composition, must treat all election participants equally and fairly. In this regard, an open and transparent approach to decision-making and problem-solving is recommended, as well as a public relations campaign aiming to instil confidence in the EMB.
- The EMB should be in control of all aspects of the electoral process. If stakeholders can see clearly that the EMB is managing events effectively, their perceptions of its independence and impartiality, and thus levels of trust and confidence, will be enhanced. Further, an EMB should embrace transparency as an opportunity to exhibit its professionalism and impartiality. Likewise, it should view electoral stakeholders, including the media, positively as partners, and treat electoral contestants and the voting public as customers.
- To facilitate stakeholder relations, the EMB should hold regular political party liaison meetings. Such meetings can facilitate confidence-building and promote transparency, and can also be effective channels for information-sharing and an informal mechanism for conflict resolution (or prevention).
- Some EMBs go further, benefiting from broader stakeholder liaison mechanisms, involving the police and civil society organisations (CSOs). Such an approach can be used not only to disseminate information, but also to gather real-time feedback on prospective problems—and to resolve election-related disputes during the pre- and post-election phases. While it is the EMB that is ultimately responsible for management and decision-making, a consensual and open approach in this regard can be helpful.

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- Finally, EMBs need an open and effective communication and media relations strategy. This can include regular press briefings, and use of a website and social media, among many other tools.<sup>4</sup> In this way, the EMB can manage the message, deal effectively with rumours and be seen to be in control of the process, which in turn will enhance its credibility and thereby enhance the integrity of the process. The worst thing that an EMB can do in this regard is appear to be secretive, closed-off or hiding information relating to actual or alleged problems. Such an approach will fuel further rumour and conjecture, and promote uncertainty and tension.

### 3.8 Gender balance

*Accountable*  
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*Responsible*  
*Responsive*  
*Service-oriented*

- As far as possible, there should be a gender balance among EMB staff at all levels and there should be no discrimination against women. It is common for women to be present as polling station staff, but while this is a critical function, it is at the lowest level of administration; women should also be present—and visible—in key roles at mid and higher levels of the EMB, including at the national level.

### 3.9 Foreign funding and assistance

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*Impartial*  
*Independent*  
*Integrity*  
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- Elections are a matter of national sovereignty. Foreign governments have no right to seek to influence the political preferences of the electorate. Bans on foreign funding of political parties are perfectly justifiable (although they should be applied even-handedly).
- Both CSOs and political parties, acting in solidarity, should be free to co-operate with, and seek assistance from, like-minded bodies in other countries, provided that such co-operation does not constitute campaigning for a specific party or parties. In this regard, it is quite common and acceptable for CSOs to seek and receive foreign assistance and funding.

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4 See CEN Working Group, <Report of the Working Group Meeting on the Impact of New Media on Elections, 2-3 December 2015> The Impact of New Media on the Conduct of Elections, London: Commonwealth Secretariat.





- In cases in which foreign financial and/or technical assistance is provided to an EMB, it must be ensured that the EMB manages such assistance to facilitate not only direct assistance for the particular electoral event, but also skills transfer to enhance its further independence and capability. Of particular concern is the provision of technology from outside sources, which may not be entirely suitable or sustainable in the local context. The EMB must fully control all decisions pertaining to management of the electoral process, with a view to enhancing its integrity and credibility, and increasing public and political participation and confidence.
- The EMB should aim to have a stable funding stream that allows it to implement proper and reliable planning and operational resources. Countries should aspire, as far as possible, to ensure that they are not overly reliant on donor funding for elections, aspiring instead towards elections that are nationally funded.

## 4. Commonwealth and Other International Instruments for Democratic Elections

The EMB of a country is effectively responsible for managing the overall electoral process and thereby helping to provide most election-related rights, ensuring the credibility and legitimacy of the electoral process. The various rights and obligations associated with the conduct of the electoral process—hence the obligations of an EMB—are recognised in a series of Commonwealth and other international agreements and instruments.<sup>5</sup> These not only outline such rights as are to be provided for in law, but also require state and national institutions to ensure that such rights are implemented in practice and extend to all without discrimination.

### 4.1 Commonwealth Charter (2012)

Principle I, Democracy:

*We recognise the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live. Governments, political parties and civil society are responsible for upholding and promoting democratic culture and practices and are accountable to the public in this regard ...*

[ ... ]

Principle II, Human Rights:

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5 There are also various regional commitments and instruments relevant to Commonwealth members, such as the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, and the Copenhagen Commitments of the Organization for Security and Co-operation in Europe (OSCE), among many others. However, such regional instruments invariably reflect the obligations reflected in international instruments and so, for brevity only, the key provisions are reproduced in this pamphlet.



*We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies. We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively.*

*We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.*

Principle VII, Rule of Law:

*We believe in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government. In particular we support an independent, impartial, honest and competent judiciary and recognise that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice.*

Principle VIII, Good Governance:

*We reiterate our commitment to promote good governance through the rule of law, to ensure transparency and accountability and to root out, both at national and international levels, systemic and systematic corruption.*

Principle XII, Gender Equality:

*We recognise that gender equality and women's empowerment are essential components of human development and basic human rights*

...

Principle XVI, The Role of Civil Society:

*We recognise the important role that civil society plays in our communities and countries as partners in promoting and supporting Commonwealth values and principles, including the freedom of association and peaceful assembly, and in achieving development goals.*

## 4.2 United Nations Declaration of Human Rights (1948)

Article 21:

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

## 4.3 International Covenant on Civil and Political Rights (1966)

Article 25:

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

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

## 4.4 UN Committee on Human Rights, General Comment 25 (1996)

This General Comment on Article 25 of the International Covenant on Civil and Political Rights ('The right to participate in public affairs, voting rights and the right of equal access to public service') includes the following paragraph.

20. *An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant ... There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes ...*

#### 4.5 International Convention on the Elimination of Racial Discrimination (1966)

Article 5:

*... States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:*

[ ... ]

- c. *Political rights, in particular the right to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;*

[ ... ]

#### 4.6 UN Convention on the Elimination of all Forms of Discrimination against Women (1979)

Article 7:

*States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

- a. *To vote in all elections and public referenda and to be eligible for elections to all publicly elected bodies;*

[ ... ]



## 5. The Commonwealth Electoral Network

Reflecting the Commonwealth's commitment to the inalienable right of individuals to participate by means of free and democratic political processes in shaping the society in which they live, the Commonwealth Electoral Network (CEN) aims to ensure that elections within the 53 member countries of the Commonwealth community are fair, credible and transparent, by helping election management bodies (EMBs) to share, and to implement, best practices. The conduct of credible elections is critical, as the Global Commission on Elections, Democracy and Security has emphasised:

*When the electorate believes that elections have been free and fair, they can be a powerful catalyst for better governance, greater security and human development. But in the absence of credible elections, citizens have no recourse to peaceful political change. The risk of conflict increases while corruption, intimidation, and fraud go unchecked, rotting the entire political system slowly from within.<sup>6</sup>*

The CEN was set up in 2010 to establish a 'gold standard' in election management in Commonwealth member countries. The CEN promotes good practice in managing elections, facilitates peer-to-peer exchanges of experience and knowledge, and fosters a community of Commonwealth EMBs.

The Commonwealth Heads of Government recognised and endorsed the value of the CEN when they stated, in the 2009 Trinidad and Tobago Affirmation of Commonwealth Values and Principles:

*[W]e endorse the proposed Commonwealth Network of National Election Management Bodies, which would facilitate experience sharing and serve to create support mechanisms, promote good practices and*

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6 Global Commission on Elections, Democracy and Security, 2012, Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide, Stockholm: IDEA, p. 3.

*facilitate opportunities for peer support across the Commonwealth, thus enhancing member countries' capacity to hold credible elections which enjoy the confidence of the people.*<sup>7</sup>

Under the auspices of the CEN, EMBs from across the Commonwealth gather at biennial conferences to discuss and identify best practices, to address common challenges and to further enhance peer relations.

As well as biennial conferences, the CEN has established working groups on a broad range of electoral matters, with the aim of enhancing exposure to best practices and sharing innovative techniques. Working groups have been held on vote counting and tabulation processes, voter education, campaign finance, new media, the independence of EMBs,<sup>8</sup> managing the power of incumbency and voter registration, among other issues. The CEN working group programme provides a structured avenue for peer-to-peer experience-sharing. Working group meetings draw together subject-matter experts from a geographically representative cross-section of CEN members for in-depth discussions on specific issues. The aim of these meetings is to identify guiding principles and good practices on issues of relevance to all CEN members.

A Commonwealth Junior Election Professionals (JEP) initiative is training young electoral professionals. Regional workshops have been held in Africa, Asia, the Pacific and the Caribbean. In the long run, this direct assistance stands to benefit not only junior officials, but also other permanent employees, as well as temporary election officials brought in to work at polling stations and other facilities ahead of election days. It does so by means of the sharing of best practices among all electoral commission employees.

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7 Commonwealth Heads of Government, 2009, Trinidad and Tobago Affirmation of Commonwealth Values and Principles, available online at <http://thecommonwealth.org/history-of-the-commonwealth/trinidad-and-tobago-affirmation-commonwealth-values-and-principles> [accessed 4 August 2016], para. 11.

8 The CEN Working Group on Independence of EMBs was held in Kingston, Jamaica, in March 2012.





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