



# Model Commitments for Advancing Genuine and Credible Elections



## **About This Guide**

Elections—citizens selecting who will lead them and how they will be governed—are the foundation of democracy. With democracy and democratic institutions under sustained threat globally, it is more important than ever to have a rigorous shared understanding of election integrity. These model commitments are based on the experience and expertise of International IDEA, the Carter Center, NDI, IFES, and the Kofi Annan Foundation—five of the leading organizations supporting and monitoring elections worldwide. The organizations involved are pleased to circulate this document, bringing together existing international norms, standards, and best practices, building upon the foundation of the Election Obligations and Standards Handbook to offer approaches to emerging challenges to elections today.

# Model Commitments for Advancing Genuine and Credible Elections

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# Introduction

Genuine elections are the keystone in any democratic arch. They are related to other essential building blocks, and democracy cannot be realized and maintained without them. They are an expression of the democratic tenets that sovereignty resides in the people and that the authority of government is derived from the free exercise of their will through universal and equal suffrage free of unreasonable restrictions.

Those precepts are embedded in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, regional treaties, and national constitutions the world over. By their very nature, genuine elections are interlaced with a variety of processes and institutions as well as the exercise of a range of rights and civic responsibilities. Genuine elections are also the means to resolve peacefully the competition for political office and transition of power as well as a vehicle for candidate and government accountability, and the selection of policy choices aimed at improving people's lives.

While genuine elections are an ultimate expression of national sovereignty, they also are affected by both transnational actors and global developments, which gives them an international dimension. As a means for pursuing peace, stability, and prosperity, genuine elections also become an important subject of international cooperation. United Nations and regional intergovernmental bodies, as well as U.N. and regional treaty body mechanisms and informal governmental associations like the Summit for Democracy and the Open Government Partnership, also address critical issues related to the integrity of elections. In addition, genuine elections are the subject of associations of election management bodies (EMBs) and networks of international and citizen election observers as well as others. International interest and the need for international cooperation have intensified as technologies, information environments, actions by transnational anti-democratic actors, and other key factors present heightened challenges to conducting genuine and credible elections.

Elections present challenges to any country holding them. With the constantly changing landscape of political competition, conditions, and technologies across countries, constant attention to election quality is required. Adopting and maintaining robust, grounded commitments to core, internationally accepted election standards, obligations, and best practices – such as the model commitments presented here – provides a strong foundation for any country building, revising, or conducting genuine elections that reflect the will of the people. Thus, electoral reform and improvements in electoral processes are ongoing endeavors in every country.

With these matters in mind, several international organizations cooperated to develop this set of model commitments to assist the efforts of individual countries and electoral integrity advocates to strengthen electoral integrity, and to engage other countries, agencies, and international and national actors to promote electoral integrity. The commitments assume that any country, whether acting through a ministry, parliament, EMB, or other agency, by adopting commitments either attests that it already is meeting the commitments or commits to effectively implement them in a timely manner through various electoral reform measures.

The model commitments include one high-level, general commitment focused on the core of electoral integrity, while others are grouped into five thematic areas: the legal framework; election administration; electoral accountability; information integrity; and international support for norms and defense of electoral integrity. The five thematic areas include one overarching model commitment that is presented first, followed by more specific or detailed commitments. Each model commitment – overarching or detailed – is supported by references to multiple international normative sources, including international and regional treaties, political commitments, state practices, and interpretive sources as presented in the Election Obligations and Standards Handbook.<sup>1</sup>

While the model commitments cover many of the principal areas of electoral integrity, given the rapidly evolving electoral universe, they are suggested as starting points and are not meant to be a comprehensive list or definitive statements. To

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<sup>1</sup> The Carter Center Election Obligations and Standards Handbook can be accessed here: <https://www.cartercenter.org/resources/pdfs/peace/democracy/cc-oes-handbook-10172014.pdf>

help ensure public confidence in the integrity of elections and democratic governance, commitments to strengthen electoral integrity should be regularly reviewed, refined, and adapted to local contexts while maintaining the expected rigor and conditions as electoral practices evolve.

By linking the model commitments to international norms, standards, and best practices, we can identify areas where the existing international normative framework for democratic elections is well developed, and conversely, where there are limitations or gaps. For example, the model commitments on election-related rights concerning universal and equal suffrage and election administration that is independent, politically neutral, adequately resourced, and transparent are in areas where normative development and practice are strong and well recognized.

However, some of the model commitments are in areas that are insufficiently addressed by international and regional treaties and recognized best practices, such as issues related to political finance, electoral technologies, procurement, information integrity and the internet, data privacy, the role of the digital media, and cybersecurity. This is of particular importance with the increased ubiquity of artificial intelligence systems, including generative AI, and challenges surrounding the use, consumption and impact of AI on information integrity. While relatively new and/or less thoroughly covered in the existing normative framework, these are topic areas that hold great importance in the current global context and hence underscore where additional normative development is needed.

No country fully meets the democratic ideals it embraces. Democratic development, including ensuring genuine elections, requires constant, concerted efforts. While making commitments is important, implementing them is crucial. The model commitments below are intended to serve as high-level benchmarks. Each country should be encouraged to identify the specific obstacles keeping it from fulfilling its goal of holding fully democratic elections and to develop more specific commitments and effective actions and reforms to surmount those obstacles. Specific commitments should be measurable and monitorable, enabling stakeholders to hold their governments accountable and allowing governments to show objective democratic progress.

## About the Formatting

The text in each box on key model commitments is presented in the future tense, to convey forward-looking commitments, and is followed by a bulleted list of statements (stated in the past tense) that reflect election standards and obligations. The latter are sourced from international and regional treaties, political commitments, human rights treaty body mechanisms and interpretive sources, and best practices, as presented in the Election Obligations and Standards Handbook. Each bullet includes footnotes with the original sources.

The color coding of the references categorizes the origin of each normative standard based on source material, as follows:

**Green** indicates the most deeply rooted standards in the international system through international or regional treaty or international law in some way.

**Blue** indicates that the normative standard stems from interpretative sources or political commitments.

**Orange** indicates that the standard is rooted in state practices that should be emulated as good practice.

This color-coded presentation represents the current status of obligations, standards, and best practices related to critical features of elections and representative governance, as rooted in key guiding normative documents. At the same time, it also shows where such normative foundations are weaker or less well established. It is hoped that the model commitments presented here can serve to facilitate actions to enshrine equality, access, and transparency more fully in election practices globally.

## Overarching Electoral Integrity Commitments

The six overarching model commitments are presented below and are found in their respective sections along with detailed commitments.

- 1. Genuine Elections:** The legal framework, institutions, and processes for elections guarantee that there shall be periodic elections in an openly competitive environment that genuinely reflect the will of the people, realized through universal and equal suffrage, held by secret ballot, with citizens able to freely express themselves without unreasonable restrictions, and which are accurately tabulated and honored through peaceful transfers of offices and their related powers.

- 2. Legal Framework:** The legal framework provides that every person's exercise of election-related rights and responsibilities will be free of discrimination proscribed by international human rights norms and protected by equality before and equal protection of the law. Plus, it provides immediate, effective and enforced remedies for violations, whether related to prospective voters, electoral candidates, contesting political parties, election authorities, election campaigners, journalists covering election developments, and election observers, and whether perpetrated by states themselves or by nonstate actors and private individuals.
- 3. Election Administration:** EMBs at the national and subnational levels shall be constituted and resourced in a manner that ensures their political neutrality, administrative independence, and professional efficacy, and the mechanisms for their appointment or selection shall be transparent.
- 4. Electoral Accountability:** Legal provisions shall be promulgated requiring that decisions made by EMBs, courts, prosecutors, law enforcement, and other government agencies are documented and made publicly available in a timely manner. Information concerning election-related administrative complaints or other such procedures concerning redress of abridgements of election-related rights and judicial processes shall be timely determined and made publicly available, including the reasoning for the decisions, and disposition of administrative and criminal investigations and prosecutions. Complainants shall be able to appeal adverse rulings.
- 5. Information Integrity:** Laws and regulations shall guarantee, without hindrance or unreasonable restrictions, the freedom to seek, receive, and impart credible information related to elections, and the forming of opinions about electoral or referendum choices. These freedoms relate to information on elections and referendum processes from any medium, free from disinformation, including from the internet and other digital communication means, including those generated by artificial intelligence.
- 6. International Engagement:** Relevant government agencies, including EMBs, should engage in international and regional efforts to defend and advance democratic norms and credible elections. Such efforts include, e.g., the Summit for Democracy, Open Government Partnership, Global Network for Securing Electoral Integrity, Asian Electoral Stakeholders Forum, international associations of EMBs, regional and global dialogues of EMBs, associations of civil society, and international organizations concerned with election observation, electoral credibility, and democratic norms. Such engagements should enable learning and sharing of experiences, including to address issues and challenges related to cybersecurity of election infrastructure, foreign-based threats to information integrity, illicit flows of money across borders (including digital currencies), and other threats that undermine the conduct of credible elections or subvert public confidence in democracy or electoral credibility.

# Model Commitments for Electoral Integrity

**Goal:** *To ensure that inclusive, transparent, and accountable elections are the basis for determining who governs on behalf of the people.*

## 1: Overarching Commitment for Electoral Integrity: Genuine elections that reflect the will of the people

**Model Commitment:** The legal framework, institutions, and processes for elections guarantee that there shall be periodic elections in an openly competitive environment that genuinely reflect the will of the people, realized through universal and equal suffrage, held by secret ballot, with citizens able to freely express themselves without unreasonable restrictions, and which is accurately tabulated and honored through peaceful transfers of offices and their related powers.

### Relevant Norms, Standards, and Obligations

- Genuine elections that reflect the free expression of the will of the people.<sup>2</sup>
- Equal suffrage.<sup>3</sup>
- Universal suffrage.<sup>4</sup>
- Secret ballot.<sup>5</sup>
- Periodic Elections.<sup>6</sup>
- Prevention of Corruption.<sup>7</sup>

<sup>2</sup> U.N., ICCPR, art. 25(b); U.N., UDHR, art. 21(3); OAS, ACHR, art. 23(1)(b); OSCE, Copenhagen Document, para. 6; Hinz and Suksi, Election Elements

<sup>3</sup> U.N., ICCPR, art. 25(b); CIS, Convention on Human Rights, art. 29(b); OAS, ACHR, art. 23(1)(b)

<sup>4</sup> U.N., ICCPR, art. 25(b); U.N., UDHR, art. 21(3); U.N., ICERD, art. 5(c); CIS, Convention on Human Rights, art. 29(b); OAS, ACHR, art. 23(1)(b); AU, ACDEG, art. 4(2)

<sup>5</sup> U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23 (b); CoE, ECHR (Protocol 1), art. 3; CIS, Convention on Human Rights, art. 29(b); U.N., UDHR, art. 21(3); OAS, IADC, art. 3; and OSCE, Copenhagen Document, para. 7.4

<sup>6</sup> U.N., ICCPR, art. 25(b); OAS, ACHR, art. 23; AU ACDEG, art. 3(4)

<sup>7</sup> U.N., UNCAC, art. 13(1)(a), 18, 19; AU, Convention on Corruption, art. 4; U.N., UNCAC, art. 19; OAS, Inter-American Convention Against Corruption, art. VI.

Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.



# Legal Framework Commitments

**Goal:** To establish public confidence that the country's legal framework ensures credible elections by guaranteeing equal and universal suffrage rights; proper election administration; and the rights to participate in electoral affairs and to seek, receive, and impart election-related information.

## 2: Overarching Commitment: Election rights and responsibilities free from discrimination

**Model Commitment:** The legal framework provides that every person's exercise of election-related rights and responsibilities will be free of discrimination proscribed by international human rights norms and protected by equality before and equal protection of the law. Plus, it provides immediate, effective, and enforced remedies for violations, whether related to prospective voters, electoral candidates, contesting political parties, election authorities, election campaigners, journalists covering election developments, and election observers, and whether perpetrated by states themselves or by nonstate actors and private individuals.

### Relevant Norms, Standards, and Obligations

- The legal framework for elections included guarantees of equality before the law.<sup>8</sup>
- The legal framework for elections was consistent with international human rights.<sup>9</sup>
- The right to vote was guaranteed by law and was subject only to reasonable and objective restrictions.<sup>10</sup>
- Every citizen had the right to be elected, subject only to reasonable restrictions.<sup>11</sup>
- The legal framework provided citizens with an effective (timely and enforceable) remedy throughout the electoral process.<sup>12</sup>

## Detailed Commitments

### 2.01: Rule of law and human rights

**Model Commitment:** The legal framework recognizes the rule of law as an essential condition for the fulfillment of human rights and representative democracy, and hence laws and procedures should not be arbitrarily applied. To give effect to human rights, the legal framework should incorporate the international obligations agreed by the state in treaties. Further, during the electoral process, security personnel and law enforcement shall behave in a neutral manner, with voters protected from interference, coercion and intimidation.

### Relevant Norms, Standards, and Obligations

- The principles of rule of law were promoted.<sup>13</sup>
- The state took the steps necessary to give effect to rights during the electoral process, including through the dispute resolution process.<sup>14</sup>
- Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion.<sup>15</sup>

<sup>8</sup> U.N., ICCPR, art. 26; AU, AfCHPR, art. 19; OAS, ACHR, art. 24; EU, Charter on Fundamental Freedoms, art. 20; CIS, Convention on Human Rights, art. 20(1); LAS, Arab Charter, art. 3; ASEAN, Human Rights Declaration, art. 3

<sup>9</sup> U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; CIS, Convention on Human Rights, art. 1; CoE, ECHR, art. 1; OAS, ACHR, art. 2; ECOWAS, Protocol on Democracy and Good Governance, art. 33(1)

<sup>10</sup> U.N., ICCPR, art. 25; AU, AfCHPR, art. 13(1); AU, Protocol to the AfCHPR, art. 9; EU, Charter on Fundamental Rights, art. 40; OAS, ACHR, art. 23(1)(b); CIS, Convention on Democratic Elections, art. 2(a)

<sup>11</sup> U.N., ICCPR, art. 25; AU, AfCHPR, art. 13; OAS, ACHR, art. 23; LAS, Arab Charter on Human Rights, art. 24; CIS, Convention on Democratic Elections, art. 3; OSCE, Copenhagen Document, para. 7.5

<sup>12</sup> U.N., ICCPR, art. 2(3); OAS, ACHR, art. 25(1); CoE, ECHR, art. 13; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 25(a-b)

<sup>13</sup> U.N., UNCAC, art. 5(1); AU, ACDEG, art. 32.8; CoE, ECHR, Preamble; CIS, Convention on Human Rights, Preamble; OSCE (ODIHR), Legal Framework (Ed. 1), p. 1-6; U.N., Human Rights and Elections, para. 131; OAS, IADC, art. 2; EISA and ECF of SADC Countries, PEMMO, p. 9; OSCE (ODIHR), Domestic Election Observers, p. 36

<sup>14</sup> U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1; U.N. (CCPR), General Comment 31, para. 14; U.N. (CCPR), General Comment 31, para. 3; U.N. (CCPR), General Comment 31, para. 8; U.N. (CCPR), General Comment 31, para. 4

<sup>15</sup> U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; ACHR, art. 7(1)

- The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.<sup>16</sup>
- Potential voters were able to vote without intimidation or coercion.<sup>17</sup>
- Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion. Security personnel played a positive role during the electoral process, providing protection for voters, candidates, and electoral management body personnel without interfering in the process.<sup>18</sup>
- Safeguards were in place to prevent coercion of voters.<sup>19</sup>

## 2.02: Equal suffrage

**Model Commitment:** The legal framework provides for equality of the vote (equal suffrage) relating to the proportion of voters to representatives and ensures against discrimination proscribed by international human rights norms in boundary delimitation at each level of government where there are multiple election districts. Safeguards and sanctions to prevent multiple voting and fraud are predicted by the law.

### Relevant Norms, Standards, and Obligations

- Each vote was of equal weight.<sup>20</sup>
- Freedom from discrimination and equality before the law were practiced.<sup>21</sup>
- The electoral system allowed multiparty participation and actual and equal representation.<sup>22</sup>
- Safeguards were in place to prevent multiple voting and other forms of ballot fraud.<sup>23</sup>

## 2.03: Universal suffrage

**Model Commitment:** The legal framework provides that universal and equal suffrage rights (the right to vote and the right to seek to be elected) shall be guaranteed pertaining to voter registration and voting, legal recognition of political parties and candidates, and their qualification to be listed on the ballot. If independent candidatures are allowed, regulations regarding candidacy were the same for the independent and partisan actors. The state guarantees that the broadest pool of eligible voters be allowed to cast ballots, with clear and nondiscriminatory rules regarding citizenship, and special measures should be predicted to accommodate those with special needs.

### Relevant Norms, Standards, and Obligations

- Voter registration promoted universal suffrage.<sup>24</sup>
- Every citizen had the right to be elected, subject only to reasonable restrictions.<sup>25</sup>
- The state took proactive measures to promote voting by the broadest pool of eligible voters and ensured votes cast were counted.<sup>26</sup>

<sup>16</sup> U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); CoE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1)

<sup>17</sup> U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); LAS, Arab Charter, art. 14(1-2);

CoE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1); U.N. (CCPR), General Comment 25, para. 11

<sup>18</sup> U.N. (CCPR), General Comment No. 37, para. 78; OSCE (ODIHR), Guidelines for Public Security Providers in Elections, p. 22

<sup>19</sup> CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 51-52

<sup>20</sup> U.N., ICCPR, art. 25; OAS, ACHR, art. 23; CIS, Convention on Democratic Elections, art. 3(1)(a) U.N., UDHR, art. 21(3)

<sup>21</sup> U.N., ICCPR, art. 2(1); AU, AfCHPR, art. 2; OAS, ACHR, art. 1; EU, ECHR, art. 14; and CIS, Convention on Human Rights, art. 20

<sup>22</sup> U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1

<sup>23</sup> U.N., Human Rights and Elections, para. 68; CoE, Handbook for Observers of Elections, para. 2.5.3; EU, Handbook (Ed. 2), p. 97; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 73; EISA and ECF of SADC Countries, PEMMO, p. 25; CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.2.33 (explanatory report).

<sup>24</sup> U.N., ICCPR, art. 25(b); ICERD, art. 5(c); AU, ACDEG, art. 4(2); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b); UDHR, art. 21(3)

<sup>25</sup> U.N., ICCPR, art. 25; AU, AfCHPR, art. 13; OAS, ACHR, 23; LAS, Arab Charter on Human Rights, art. 24; CIS, Convention on Democratic Elections, art. 3; OSCE, Copenhagen Document, para. 7.5

<sup>26</sup> U.N., ICCPR, art. 25(b); AU, ACDEG, art. 4(2); OAS, ACHR, art. 23(1)(b); CIS, Convention on Human Rights, art. 29(b)

Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.

## 2.04: Independent election administration

**Model Commitment:** The legal framework provides that election administration will be independent, politically neutral, sufficiently and timely funded, subject to transparency and accountability requirements that reinforce public confidence in its effectiveness and fairness, and always consistent with international human rights.

### Relevant Norms, Standards, and Obligations

- There was an independent and impartial electoral management body.<sup>27</sup>
- The electoral management body had sufficient resources to implement all phases of the election process.<sup>28</sup>
- The electoral management body ensured transparency in its decision making; for example, through open meetings and the use of public and competitive tenders.<sup>29</sup>

## 2.05: Governmental neutrality

**Model Commitment:** The legal framework provides that all government/public resources, offices, and employees' efforts while performing governmental employment functions must be politically neutral and not be engaged or used in activities to provide an advantage for those supporting or opposing referenda, specific electoral contestants, or political parties over their competitors.

### Relevant Norms, Standards, and Obligations

- The EMB acted impartially in the administration of the election.<sup>30</sup>
- Public resources were not abused in support of a particular party or candidate.<sup>31</sup>
- The state acted to investigate and address violations of rights. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.<sup>32</sup>
- The law was clear regarding the extent to which public employees could be involved in a campaign. Public employees were not coerced into voting for a particular candidate or party.<sup>33</sup>

## 2.06: Freedom of movement

**Model Commitment:** The legal framework protects the freedom of movement during the electoral process, both for political parties and voters as well as for poll workers and electoral observers, also allowing citizens who are abroad to return to their country to participate in elections.

### Relevant Norms, Standards, and Obligations

- Electoral management body staff and officials were able to move freely throughout the country to administer the election and at the same time did not prevent or hinder the free movement of citizens during the election process.<sup>34</sup>
- Voters displaced in advance of election day had the possibility of returning on election day to cast their ballots or were included in voter lists at place of stay.<sup>35</sup>
- The participatory rights of citizens were protected and fulfilled by parties in their internal management.<sup>36</sup>

<sup>27</sup> CIS, Convention on Democratic Elections, art. 19(j); AU, ACDEG, art. 17(j); ECOWAS, Protocol on Democracy and Good Governance, art. 3; U.N. (CCPR), General Comment 25, para. 20

<sup>28</sup> AU, ACDEG, art. 15 (4)

<sup>29</sup> U.N., UNCAC, art. 13(1)(a); AU, Convention on Corruption, art. 12(2)

<sup>30</sup> AU, ACDEG, art. 17 (1); ECOWAS, Protocol on Democracy and Good Governance, art. 3

<sup>31</sup> CoE (Venice Commission), Code of Good Practice in the Field of Political Parties, para. 41

<sup>32</sup> U.N. (CCPR), General Comment 31, para. 17

<sup>33</sup> OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 60

<sup>34</sup> U.N., ICCPR, art. 12(1); AU, AfCHPR, art. 12(1); OAS, ACHR, art. 22(1); LAS, Arab Charter, art. 26(1); EU, Charter on Fundamental Rights, art. 45(1); CIS, Convention on Human Rights, art. 22(1)

<sup>35</sup> UNGA, Guiding Principles on Internal Displacement, Principle 22; CoE (Congress of the Council of Europe), Local Voting Rights for the Integration of Migrants and IDPs, pp. 5–6, 22, 24; EU, Handbook (Ed. 2), p. 75

<sup>36</sup> U.N. (CCPR), General Comment 25, para. 27

## 2.07: Campaign finance transparency

**Model Commitment:** The legal framework provides for transparency in electoral campaign financing, including definitions of what counts as campaign expenditures, disclosure of funds raised and expenditures, striking a balance between transparency and privacy of donors, and it covers political advertising of all types, whether in broadcast, print, or social or other digital media.

### Relevant Norms, Standards, and Obligations

- The funding received by a political party and/or candidate was disclosed in regular reports.<sup>37</sup>
- There was a balanced and transparent system for political party financing.<sup>38</sup>
- Disclosure provisions should clearly identify what counts as campaign expenditure.<sup>39</sup>
- Campaign finance regulation was consistent with the principles of the rule of law.<sup>40</sup>
- Campaign finance reporting requirements were realistic, and disclosure requirements struck a balance between transparency and the privacy of donors.<sup>41</sup>

## 2.08: Equitable public resources

**Model Commitment:** Whenever available, public financial resources for campaigns shall be provided to those supporting or opposing referenda, parties, and candidates according to an objective, fair, and reasonable equitable formula that may include targeted public funding to promote gender equity.

### Relevant Norms, Standards, and Obligations

- Both the state and citizens were able to support candidates and parties, including financial support, and this support did not interfere with the independence of the party.<sup>42</sup>
- State support of candidates was available on an equitable basis and was distributed according to an objective, fair, and reasonable formula.<sup>43</sup>
- All candidates were treated equitably with regard to campaign finance and expenditures.<sup>44</sup>

## 2.09: Right to electoral information for all

**Model Commitment:** The legal framework recognizes and guarantees the right of citizens to seek, receive and communicate information related to elections (including the responsibilities to respect the rights of others and convey accurate information), whether exercised by prospective voters, electoral contestants, journalists, election observers, or other election-related actors. Voter education includes issues such as equal suffrage, secret ballot, voter registration, the voting process, and restrictions that may be applied to participatory rights.

### Relevant Norms, Standards, and Obligations

- Voter education efforts included information about all electoral rights including equal suffrage, the right to vote and be elected, the right to an effective remedy, and the secret ballot.<sup>45</sup>

<sup>37</sup> CIS, Convention on Democratic Elections, art. 12(4), art. 12(5)

<sup>38</sup> U.N., UNCAC, art. 7; OSCE (ODIHR), CoE (Venice Commission), Guidelines on Political Party Regulation (Ed. 2), para. 220, 256; OSCE (ODIHR), Handbook for the Observation of Campaign Finance, p. 37

<sup>39</sup> van Biezen, Guidelines, p. 55

<sup>40</sup> van Biezen, Guidelines, p. 14 and p. 15; OSCE (ODIHR), Handbook for the Observation of Campaign Finance, p. 27; IFES, Political Finance in Post-Conflict Societies, p. 129; OSCE (ODIHR), Handbook for the Observation of Campaign Finance, p. 27; OECD (2016), Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture

<sup>41</sup> Dahl, Bob, in Political Finance in Postconflict Societies, IFES, p. 129; International IDEA, Funding of Political Parties, p. 16

<sup>42</sup> CoE (Committee of Ministers), Recommendation (2003)4, art. 1

<sup>43</sup> CoE (Committee of Ministers), Recommendation (2003)4, art. 1

<sup>44</sup> Commonwealth Secretariat, Reference Guide for Election Observers, p. 24

<sup>45</sup> U.N., ICCPR, art. 2

- The right of access to information was respected throughout the electoral process, including as it relates to the electoral contestants, media, and election observers.<sup>46</sup>
- The electoral management body provided citizens with access to information throughout the electoral process.<sup>47</sup>
- All eligible voters were informed of their electoral rights before, during, and after election day.<sup>48</sup>
- Voter education campaigns included information on restrictions that may be applied to participatory rights.<sup>49</sup>

## 2.10: Election-related information access and transparency

**Model Commitment:** The legal framework provides that all state-held election-related information shall be made timely and publicly available, including via the internet and other digital communication means, without hindrance or unreasonable restrictions in accordance with open government and open electoral data principles so that citizens are able to freely seek information and form opinions about electoral or referendum choices. This shall include information concerning census, demographic, administrative and electoral boundary, voter registration, party and candidate ballot qualification, political and election campaign finance, electoral materials procurement, polling station location, electoral procedures, voter turnout and election results from polling station through any intermediate stages to final tabulation, and data concerning electoral complaints and challenges as well as investigations and prosecutions concerning electoral matters.

### Relevant Norms, Standards, and Obligations

- Documents regarding the electoral process, including voting operations, were publicly accessible and accurate.<sup>50</sup>
- The judgments, findings, and evidence of judicial proceedings, and legal reasoning for judgments, were made public.<sup>51</sup>
- The state proactively put in the public domain government information of public interest.<sup>52</sup>
- A pluralistic media promoted citizen access to information, and the media was free to play an impartial and objective role in covering electoral issues.<sup>53</sup>
- Voters were able to form opinions independently on the basis of information from a plurality of sources and free from any manipulative interference.<sup>54</sup>
- The right of access to information was protected for everyone.<sup>55</sup>

## 2.11: Right to participate in public affairs

**Model Commitment:** The legal framework recognizes and guarantees the right to participate in public affairs for all, including those related to elections, whether exercised as prospective voters, electoral contestants, journalists, election observers, or other election-related actors. States should create, in law and in practice, an enabling environment for civil society organizations to freely and effectively participate in public decision-making processes.

46 U.N., ICCPR, art. 19; AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13

47 U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1)

48 U.N. (CCPR), General Comment 25, para. 11

49 Goodwin Gill, *Free and Fair* (2006), p.127; OSCE, Moscow Document, para. 18

50 U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19

51 U.N., ICCPR, art. 14(1); CoE, ECHR, art. (6)(1)

52 U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19

53 EU, Charter on Fundamental Rights, art. 11(2)

54 UNHRC, Resolution 38/7 on the Promotion, Protection and Enjoyment of Human Rights on the Internet, para. 4; CoE (Committee of Ministers), Recommendation (2018)1 on Media Pluralism and Transparency of Media Ownership, para. 5.1; CoE (PACE), Resolution 2254(2019) on Media Freedom as a Condition for Democratic Elections, para. 9.6

55 U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)

## Relevant Norms, Standards, and Obligations

- Participatory rights were protected at the highest level of the law (the constitution).<sup>56</sup>
- Citizens were able to participate in public affairs through political parties and nongovernmental organizations.<sup>57</sup>
- The right to participate in public affairs was protected, including during the boundary delimitation process.<sup>58</sup>

## 2.12: Women's participation

**Model Commitment:** The legal framework recognizes and guarantees the equal right for men and women to participate in public affairs, including those related to elections, whether exercised as prospective voters, electoral contestants, journalists, election observers, or other election-related actors.

## Relevant Norms, Standards, and Obligations

- The legal framework for elections did not discriminate on the basis of prohibited grounds.<sup>59</sup>
- The legal framework provided equal access to any place or service intended for use by the public.<sup>60</sup>
- The legal framework for elections included guarantees of equality before the law for men and women.<sup>61</sup>
- The state took steps to ensure de facto equality between men and women.<sup>62</sup>
- Female candidates participated in the electoral process on an equal basis with men.<sup>63</sup>

## 2.13: Political participation without discrimination

**Model Commitment:** The legal framework recognizes and guarantees the right to participate in public affairs, including those related to elections, without discrimination based on race, color, religion, language, social origin, property, or other status proscribed by international human rights standards, whether exercised as voters, electoral contestants, journalists, election observers, or other election-related actors. States should create, in law and practice, an enabling environment for broad and diverse political participation.

## Relevant Norms, Standards, and Obligations

- The legal framework for elections did not discriminate on the basis of prohibited grounds.<sup>64</sup>
- The legal framework provided equal access to any place or service intended for use by the public.<sup>65</sup>
- Voter education campaigns were responsive to the needs of the electorate.<sup>66</sup>
- Voting operations facilitated broad participation.<sup>67</sup>

<sup>56</sup> U.N. (CCPR), General Comment 25, para. 4 and 5

<sup>57</sup> U.N., ICCPR, art. 25; AU, AfCHPR, art. 13; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 21.1; OAS, ACHR, art. 23; ECOWAS, Protocol on Democracy and Good Governance, art. 1(d); AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25

<sup>58</sup> AU, African Youth Charter, art. 23.1.b; EU (Council), Resolution on EU Youth Strategy 2019–

2027, p. 3–4

<sup>59</sup> U.N., ICCPR, art. 2; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32

<sup>60</sup> U.N., ICERD, art. 5; U.N., CRPD, art. 9; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(1), 21(2)c

<sup>61</sup> U.N., ICCPR, art. 26; ASEAN, Human Rights Declaration, art. 3; AfCHPR, art. 19; CIS, Convention on Human Rights, art. 20(1); EU, Charter on Fundamental Rights, art. 11(2); OAS, ACHR, art. 24; LAS, Arab Charter, art. 3

<sup>62</sup> UN Women, Beijing Declaration and Platform for Action, para. 190(e); UN Women, UNDP, Guide on Gender Equality and Women's Participation, p. 49

<sup>63</sup> U.N., ICCPR, art. 3; AU, AfCHPR, art. 2(1)(a); AU, African Youth Charter, art. 23(1)(b); AU, Protocol to the AfCHPR on the Rights of Women, art. 8; CoE, ECHR, art. 23; EU, Charter on Fundamental Rights, art. 23; CIS, Convention on Human Rights, art. 20(1)

<sup>64</sup> U.N., ICCPR, art. 2; U.N., CRPD, art. 2, 12, 29; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32

<sup>65</sup> U.N., ICERD, art. 5; U.N., CRPD, art. 9; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(1), 21(2)c

<sup>66</sup> CoE (PACE), Resolution 1897(2012) on Ensuring Greater Democracy in Elections, para. 8.1.12 International IDEA, Code, p. 14; Summit for Democracy Disability Rights Cohort Sample Commitments (2023).

<sup>67</sup> AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(2).c–e, 21(2)c; U.N. (CRPD), General Comment 6, para. 24, 42, 70.c; U.N. (CRPD), General Comment 2, para. 26



- All citizens received voter education regardless of their race, color, sex, language, religion, political or other opinion, national or social origin, physical or mental ability, sexual orientation or gender identity, property, birth, or other status.<sup>68</sup>

## 2.14: Participation of indigenous peoples

**Model Commitment:** The legal framework recognizes and guarantees indigenous peoples' individual and collective rights to participate fully, if they so choose, in the political life of the state, including in electoral processes, as well as to their own distinct institutions. Free, prior, and informed consent of indigenous peoples, via consultations in good faith with their representative institutions, are required prior to any significant changes to the legal or regulatory framework governing their political participation.

### Relevant Norms, Standards, and Obligations

- The legal framework for elections did not discriminate on the basis of prohibited grounds, including race and ethnicity.<sup>69</sup>
- The legal framework provided equal access to any place or service intended for use by the public.<sup>70</sup>
- All citizens received voter education regardless of their race, color, sex, language, religion, political or other opinion, national or social origin, physical or mental ability, sexual orientation or gender identity, property, birth, or other status.<sup>71</sup>
- Voter education materials were available in all official languages as well as in minority languages.<sup>72</sup>
- Linguistic minorities were able to use their own language, and voter registration procedures were available in minority languages.<sup>73</sup>
- Ballots were understandable and user-friendly.<sup>74</sup>
- Voter registration promoted broad participation, and there were no barriers to participation by otherwise qualified eligible voters.<sup>75</sup>
- Through their own representative institutions, indigenous peoples were consulted in good faith on proposed changes to the legal and regulatory frameworks as well as administrative provisions for elections following standards for free, prior, and informed consent, especially where those provisions that had implications for their equitable access to and participation in the electoral process.<sup>76</sup>
- Electoral management bodies adopted and implemented codes of conduct to eliminate the use of derogatory, harmful, and/or outdated terminology by electoral stakeholders, such as elections staff and candidates.<sup>77</sup>
- The right of indigenous peoples to establish electoral systems and to organize elections that apply to matters relating to their internal affairs was upheld.<sup>78</sup>

68 U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32; ICERD, art. 5

69 U.N., ICCPR, art. 2; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32; UNDRIP art. 2; U.N., CERD, art. 5

70 U.N., ICERD, art. 5; U.N., CRPD, art. 9; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(1), 21(2)c

71 U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32

72 U.N., ICCPR, art. 27

73 U.N., ICCPR, art. 27; U.N. (CCPR), General Comment 25, para. 12; OSCE (ODIHR), National Minorities, sec. 5.1.2, Lund Recommendation 7

74 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, para. A.1.1; U.N., Human Rights and Elections, para. 110; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 54; U.N., Human Rights and Elections, para. 110

75 U.N. (CCPR), General Comment 25, para. 11

76 UNDRIP art. 19, art. 38

77 U.N., Declaration on the Rights of Indigenous Peoples, preamble

78 U.N., DRIP arts. 4, 5

Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.

## 2.15: Participation of people with disabilities

**Model Commitment:** The legal framework recognizes and guarantees the right to participate in public affairs for persons with disabilities, including those related to elections and access to public spaces, especially polling locations, whether exercised as prospective voters, electoral contestants, journalists, election observers, or other election-related actors. Voter education information provided to all voters (including persons with disabilities and their caregivers) should include details on the accommodations available for voters with different disabilities. Assisted voting should be regulated and available for voters unable to vote independently.

### Relevant Norms, Standards, and Obligations

- The legal framework for elections did not discriminate on the basis of prohibited grounds.<sup>79</sup>
- The legal framework provided equal access to any place or service intended for use by the public.<sup>80</sup>
- Special measures were taken to ensure de facto equality for people with disabilities.<sup>81</sup>
- Voter education campaigns were responsive to the needs of the electorate.<sup>82</sup>
- Voting operations facilitated broad participation.<sup>83</sup>
- Impartial assistance for voters unable to vote independently was provided.<sup>84</sup>
- All citizens received voter education regardless of their race, color, sex, language, religion, political or other opinion, national or social origin, physical or mental ability, sexual orientation or gender identity, property, birth, or other status.<sup>85</sup>
- Polling places were accessible.<sup>86</sup>

## 2.16: Trained election officials

**Model Commitment:** The judiciary, prosecutors, law enforcement officers, and electoral officials shall be trained on the above commitments, including mechanisms to implement them, and the commitments will be included in broad civic education efforts.

### Relevant Norms, Standards, and Obligations

- Electoral management body personnel received training on the electoral process and international obligations.<sup>87</sup>
- Voter education efforts included information about all electoral rights, including equal suffrage, the right to vote and be elected, the right to an effective remedy, and the secret ballot.<sup>88</sup>

<sup>79</sup> U.N., ICCPR, art. 2; U.N., CRPD, art. 2, 12, 29; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32

<sup>80</sup> U.N., ICERD, art. 5; U.N., CRPD, art. 9; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(1), 21(2)c

<sup>81</sup> U.N., CRPD, art. 2, 4; OAS, IADC, art. 2(a); AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 21.2.e; Summit for Democracy Disability Rights Cohort Sample Commitments (2023).

<sup>82</sup> CoE (PACE), Resolution 1897(2012) on Ensuring Greater Democracy in Elections, para. 8.1.12 International IDEA, Code, p. 14; Summit for Democracy Disability Rights Cohort Sample Commitments (2023).

<sup>83</sup> AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(2).c-e, 21(2)c; U.N. (CRPD), General Comment 6, para. 24, 42, 70.c; U.N. (CRPD), General Comment 2, para. 26

<sup>84</sup> U.N., CRPD, art. 29

<sup>85</sup> U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32; ICERD, art. 5

<sup>86</sup> U.N., ICERD, art. 5; U.N., CRPD, art. 9; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, art. 15(1), 21(2)c; Summit for Democracy Disability Rights Cohort Sample Commitments (2023).

<sup>87</sup> U.N., Declaration on the Right and Responsibility, art. 15

<sup>88</sup> U.N., ICCPR, art. 2

# Election Administration Commitments

**Goal:** To ensure public confidence in the independence, impartiality and efficacy of election administration and guarantee transparency so that the public can know that elections are credible.

## 3: Overarching Commitment: Professional and impartial election administration

**Model Commitment:** Electoral management bodies at the national and subnational levels shall be constituted and resourced in a manner that ensures their political neutrality, administrative independence, and professional efficacy, and the mechanisms for their appointment or selection shall be transparent.

### Relevant Norms, Standards, and Obligations

- The electoral management body acted impartially in the administration of the election.<sup>89</sup>
- The electoral management body had sufficient resources to implement all phases of the election process.<sup>90</sup>
- The recruitment and appointment of electoral management body staff were transparent, efficient, and equitable and instilled public confidence in the body.<sup>91</sup>

## Detailed Commitments

### 3.01: Government support for the EMB

**Model Commitment:** All governmental agencies, including those engaged with cybersecurity, information integrity, public safety, and other electoral matters shall be required to constructively and timely support EMBs in election administration, protecting electoral officials, and maintaining public confidence in electoral processes.

### Relevant Norms, Standards, and Obligations

- The right to security of the person for all citizens (including EMB personnel) was protected throughout the election period.<sup>92</sup>
- All branches of the government are responsible for protecting human rights, including those responsible for administering election processes.<sup>93</sup>
- The authority of the electoral management body was recognized by key stakeholders.<sup>94</sup>

### 3.02: EMBs are timely, adequately resourced to ensure independence

**Model Commitment:** Budgets for the operations of EMBs shall be developed by the EMBs and funding timely provided by direct legislative appropriation with legislative oversight that guarantees EMBs independent, effective, and politically impartial action.

### Relevant Norms, Standards, and Obligations

- Steps were taken to institutionalize efficient and effective public administration.<sup>95</sup>
- The electoral management body had sufficient resources to implement all phases of the election process.<sup>96</sup>

<sup>89</sup> AU, ACDEG, art. 17 (1); ECOWAS, Protocol on Democracy and Good Governance, art. 3

<sup>90</sup> AU, ACDEG, art. 15 (4)

<sup>91</sup> U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 18

<sup>92</sup> U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; OAS, ACHR, art. 7(1); CoE, ECHR, art. 5(1); CIS, Convention on Human Rights, art. 5(1)

<sup>93</sup> U.N., ICCPR, 2(1); AU, Protocol to the AfCHPR on the Rights of Older Persons, art. 5(3); U.N. (CCPR), General Comment 31, para. 8; U.N. (CESCR), General Comment 16, para. 17; U.N. (CCPR), General Comment 37, para. 24, 26; AU, ACDEG, art. 3(8); AU, African Charter on Values and Principles of Public Service and Administration, art. 6(1) and 9(1); ECOWAS, Protocol on Democracy and Good Governance, art. 6 and 34(2); U.N. (CCPR), General Comment 31, para. 4 and 7; U.N. (CCPR), General Comment 28, para. 3; UNGA Declaration on the Right and Responsibility, art. 14

<sup>94</sup> AU, Declaration on the Principles Governing Elections, art. IV(13)

<sup>95</sup> AU, ACDEG, art. 32(1); ECOWAS, Protocol on Democracy and Good Governance, art. 34(2); CIS, Convention on Democratic Elections, art. 7(1–2); UNGA, Declaration on the Right and Responsibility, art. 8.2

<sup>96</sup> AU, ACDEG, art. 15 (4)

Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.

### 3.03: Operational training of election officials

**Model Commitment:** The EMB staff, election officials and poll workers shall receive training tailored to their respective roles and responsibilities and underpinning the fundamental principles of planning and holding elections with integrity. The public should have access to the EMB training manuals, procedural guidelines, and instructions that would potentially avoid misinterpretations and mistrust.

#### Relevant Norms, Standards, and Obligations

- The electoral management body provided citizens with access to information throughout the electoral process.<sup>97</sup>
- Electoral management body personnel received training on the electoral process and international obligations.<sup>98</sup>

### 3.04: EMB cybersecurity capabilities

**Model Commitment:** EMBs and relevant government agencies that may assist EMBs in this respect shall timely develop effective capacities to provide cybersecurity to all information technologies and information communication technologies that are relevant to conducting credible elections.

#### Relevant Norms, Standards, and Obligations

- An independent, duly resourced body oversaw compliance with data protection principles.<sup>99</sup>
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.<sup>100</sup>

### 3.05: EMB public communication and voter education

**Model Commitment:** EMBs shall develop timely, effective capacities to conduct: broad voter education efforts; proactive public communications about electoral processes; rapid response communications concerning problems that may develop in processes; and debunk misinformation and disinformation.

#### Relevant Norms, Standards, and Obligations

- The electoral management body provided citizens with access to information throughout the electoral process.<sup>101</sup>
- The state proactively put government information of public interest, including electoral information, in the public domain.<sup>102</sup>
- Voter education campaigns were responsive to the needs of the electorate.<sup>103</sup>
- The electoral management body had sufficient resources to implement all phases of the election process.<sup>104</sup>

### 3.06: EMB transparency

**Model Commitment:** EMBs and subnational electoral bodies shall provide transparency in the conduct of all elements of the electoral process, including providing access and accreditation without any unreasonable restrictions of party and candidate agents, election observers, and journalists.

<sup>97</sup> U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1)

<sup>98</sup> U.N., Declaration on the Right and Responsibility, art. 15; ECD SADC Principles and Guidelines on the Independence of Election Management Bodies in the SADC Region, Section 2 (a), Section 3 (d); OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, para. 4

<sup>99</sup> EU, GDPR, art. 51.1

<sup>100</sup> EU, GDPR, art. 5(1)b,c; CoE (Committee of Ministers), Recommendation (2012)3 on the Protection of Human Rights with Regard to Search Engines, para. 7, 10; APEC, Privacy Framework, para. 24; OECD, Recommendation Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, para. 8

<sup>101</sup> U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1)

<sup>102</sup> U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19

<sup>103</sup> CoE (PACE), Resolution 1897(2012) on Ensuring Greater Democracy in Elections, para. 8.1.12 International IDEA, Code, p. 14

<sup>104</sup> AU, ACDEG, art. 15 (4)

### Relevant Norms, Standards, and Obligations

- The electoral management body provided citizens with access to information throughout the electoral process.<sup>105</sup>
- Citizen observers were able to access and comment on all parts of the electoral process, including voter registration.<sup>106</sup>
- The state accredited citizen observer organizations and facilitated their ability to conduct their activities.<sup>107</sup>

### 3.07: Transparent electoral calendar

**Model Commitment:** EMBs shall be required to timely publish a detailed calendar of all stages of the electoral processes, including, for example, dates for party/candidate registration, voter registration and registry corrections, identification of voter registration and polling places, ballot preparation and delivery, voting, tabulation and announcement of election results, and lodging, processing, and resolution of election-related complaints and challenges.

### Relevant Norms, Standards, and Obligations

- An electoral management body implemented elections with adequate time to implement all parts of the electoral process.<sup>108</sup>

### 3.08: Postponement of elections

**Model Commitment:** The temporary postponement of an election due to public emergency is permitted but must be deemed necessary in the circumstances and should not be contrary to the state's obligations under international law, specifically the obligation to hold genuinely credible elections periodically.

### Relevant Norms, Standards, and Obligations

- The legal framework only allowed for temporary postponement of the election in times of declared public emergency.<sup>109</sup>

### 3.09: Public EMB meetings

**Model Commitment:** EMBs shall be required to publish in a timely manner for public awareness a calendar and agendas for all of its upcoming meetings where policies, regulations, orders and other such matters of public interest will be discussed. EMBs shall be required to publish minutes of such meetings in a timely manner, including notation of decisions taken. The public should be allowed to provide written comments on the issues, which the EMB shall give fair consideration. Where practicable, EMBs should provide the public with an opportunity to observe the EMB's discussion of such issues, unless they concern security, cybersecurity, personnel matters, or other highly sensitive matters.

### Relevant Norms, Standards, and Obligations

- The electoral management body ensured transparency in its decision making; for example, through open meetings and the use of public and competitive tenders.<sup>110</sup>
- The right of access to information was protected for everyone.<sup>111</sup>

<sup>105</sup> U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1)

<sup>106</sup> AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25

<sup>107</sup> AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25

<sup>108</sup> U.N., ICCPR, art. 2; AU, AfCHPR, art. 1; OAS, ACHR, art. 2

<sup>109</sup> U.N., ICCPR, art. 4; U.N. (CESCR), Siracusa Principles, para. A.39, B.51; OSCE (ODIHR), Guidelines for Public Security Providers in Elections, p. 30

<sup>110</sup> U.N., UNCAC, art. 13(1)(a); AU, Convention on Corruption, art. 12(2)

<sup>111</sup> U.N., CRPD, art. 9(f); CoE, Convention on Access to Official Documents, art. 4.1

### 3.10: EMB procurement transparency

**Model Commitment:** EMBs shall be required to publish and circulate on a timely basis information concerning solicitation of procurement contracts above a specified amount along with criteria and decision-making procedures concerning such procurements, the name of the vendor to whom the award was given, and the amount of the contract. Relevant Norms, Standards, and Obligations

#### Relevant Norms, Standards, and Obligations

- The state proactively put government information of public interest, including electoral information, in the public domain.<sup>112</sup>
- The EMB, as an organ of the state, implemented effective policies to discourage acts of corruption.<sup>113</sup>

### 3.11: Ballot design and voter choice

**Model Commitment:** Irrespective of the voting instrument, the ballot shall be understandable and easy for voters to use, accounting for different levels of literacy, available in different languages in multilingual societies and identical in every language. Voters shall be able to alter their choice before casting their vote and verify that their choices on the ballot are accurately represented.

#### Relevant Norms, Standards, and Obligations

- Voters were able to verify their choice on their ballot and could alter their choice before casting their ballot.<sup>114</sup>
- Ballots were understandable and user-friendly.<sup>115</sup>

### 3.12: Access to EMB election data for parties, observers, journalists

**Model Commitment:** EMBs and subnational electoral bodies shall be required to timely provide, without any unreasonable restrictions, access to processes and electoral data to political party and candidate agents, election observers, and journalists in accordance with open government and open election data principles.

#### Relevant Norms, Standards, and Obligations

- The electoral management body provided citizens with access to information throughout the electoral process.<sup>116</sup>
- The state proactively put government information of public interest, including electoral information, in the public domain.<sup>117</sup>

### 3.13: Voting and results information transparency

**Model Commitment:** EMBs shall be required to timely provide to the public by rapid and easily accessible means vote count results, plus ballot reconciliation and turnout figures, at the polling station level and each additional aggregated level up to and including the ultimate level for determining electoral outcomes for every election in accordance with open government and open election data principles.

<sup>112</sup> U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19

<sup>113</sup> U.N., UNCAC, art. 13(1)(a)

<sup>114</sup> CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 90; CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 11; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 68; OSCE (ODIHR), Handbook for the Observation of New Voting Technologies, p. 8

<sup>115</sup> CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, para. A.I.1; U.N., Human Rights and Elections, para. 110; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 54; U.N., Human Rights and Elections, para. 110

<sup>116</sup> U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1)

<sup>117</sup> U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19



### Relevant Norms, Standards, and Obligations

- The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption.<sup>118</sup>
- Votes were counted and reported honestly.<sup>119</sup>
- The counting process was verifiable and the ballots preserved for later review.<sup>120</sup>
- Results were published in a timely manner disaggregated by polling station, were publicly announced, and were posted at the counting station.<sup>121</sup>
- Tallies were transmitted to higher levels of tabulation in a transparent and open manner.<sup>122</sup>

### 3.14: Effective EMB accountability mechanisms

**Model Commitment:** Election administration shall include transparent and easily accessible accountability mechanisms (such as clearly defined administrative review procedures, ombudsperson or similar offices, and inspector/auditor general offices), to ensure that officials discharge their duties properly and that prospective voters and electoral contestants can seek effective redress of complaints.

### Relevant Norms, Standards, and Obligations

- An effective (timely and enforceable) remedy was available for all violations of their fundamental rights.<sup>123</sup>
- Citizens were granted a fair and public hearing by a competent, impartial, and independent tribunal in the determination of their rights.<sup>124</sup>
- The EMB acted impartially in the administration of the election.<sup>125</sup>
- The EMB maintained and implemented policies to prevent, address, and penalize acts of corruption.<sup>126</sup>
- The state acted to investigate and address violations of rights following due process. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.<sup>127</sup>
- Potential complainants were informed of the means of filing a complaint and the timeframe of its resolution.<sup>128</sup>

### 3.15: EMB inclusive representation

**Model Commitment:** EMBs shall ensure that staff and other election personnel reflect the diversity of society and include individuals from marginalized groups, including women, persons with disabilities, and youth. Specific policies to this end should be adopted.

### Relevant Norms, Standards, and Obligations

- The recruitment and appointment of electoral management body staff were transparent, efficient, and equitable and instilled public confidence in the body.<sup>129</sup>
- The appointment to and membership of the electoral management body were regulated by law.<sup>130</sup>

118 U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7

119 OSCE, Copenhagen Document, para. 7.4

120 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 98

121 CoE (Committee of Ministers), Recommendation (2004)11 on e-voting, art. 98; OSCE (ODIHR), Existing Commitments, p. 73

122 CoE (Venice Commission), Code of Good Practice, sec. 1.3.2.xiv

123 U.N., ICCPR, art. 2; AU, AfCHPR, art. 7 and art. 17(2); OAS, ACHR, art. 25(1); CoE, ECHR, art. 13

124 U.N., ICCPR, art. 14(1); OAS, ACHR, art. 8(1); CIS, Convention on Human Rights, art. 6(1)

125 AU, ACDEG, art. 17 (1); ECOWAS, Protocol on Democracy and Good Governance, art. 3

126 U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7

127 U.N. (CCPR), General Comment 31, para. 17; IFES, Election Investigation Guidebook (2020).

128 U.N. (ECOSOC); U.N. document E/CN.4/2000/62, para. VIII.12.a

129 U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 18

130 U.N. (CCPR), General Comment 25, para. 24

- The EMB included women.<sup>131</sup>

### 3.16: Independent finance monitoring organ

**Model Commitment:** An independent state agency or a specific body under the EMB umbrella shall be made responsible for campaign finance monitoring, including review of political parties' ongoing accounts and the income and expenditure of election campaigns, and shall be enabled with sanction power. The reports of political party accounts and campaign expenditures shall be made timely available to the public in accordance with open government and open electoral data principles. Noncompliance with the electoral law may result in considerable fines or, depending on the severity of the violations, constraints on future campaign expenditure or public funding access when this later exists.

#### Relevant Norms, Standards, and Obligations

- The state took steps to provide for independent monitoring of campaign and political financing.<sup>132</sup>
- Violations of rules regarding political and campaign finance were subject to proportionate and effective sanctions.<sup>133</sup>
- The funding received by a political party and/or candidate was disclosed in regular reports.<sup>134</sup>

### 3.17: Boundary delimitation

**Model Commitment:** The apportionment criteria of boundary delimitation shall respect that every vote has an equal weight and that voters are represented in the legislature on an equal basis free of discrimination barred by human rights norms. The apportionment criteria should be publicly available and the boundary delimitation process shall be open to public participation and to electoral observation.

#### Relevant Norms, Standards, and Obligations

- Each vote was of equal weight.<sup>135</sup>
- Where variances occurred between the number of voters in various constituencies, they were small.<sup>136</sup>
- The apportionment criteria were publicly available and included details such as the number of residents, number of registered voters, number of actual voters, or a combination thereof.<sup>137</sup>
- The right to participate in public affairs was protected, including during the boundary delimitation process.<sup>138</sup>
- The boundary delimitation process was subject to independent scrutiny by civil society, candidates and political parties, or other groups.<sup>139</sup>

<sup>131</sup> International IDEA, Code, para. 6; EISA and ECF for SADC Countries, PEMMO, p. 12

<sup>132</sup> CoE (Congress of Local and Regional Authorities), Res. 105(2000), para. 11

<sup>133</sup> CoE (Committee of Ministers), Recommendation (2003)4, art. 15 and 16

<sup>134</sup> CIS, Convention on Democratic Elections, art. 12(4 and 5); TI, Reporting and Public Disclosure, p. 2; van Biezen, Guidelines, p.61

<sup>135</sup> U.N., ICCPR, art. 25; OAS, ACHR, art. 23; CIS, Convention on Democratic Elections, art. 3(1)(a); U.N., UDHR, art. 21(3); U.N. (CCPR), General Comment 25, para. 21; CoE (Venice Commission), Code of Good Practice, sec. I.2.2.i-ii

<sup>136</sup> U.N. (CCPR), General Comment 25, para. 21; U.N. (CCPR), Istvan Matyas v Slovakia, (2002), 2.2; CoE (Venice Commission), Code of Good Practice, sec. I.2.2.15

<sup>137</sup> CoE (Venice Commission), Code of Good Practice, sec. I.2.2.13; CoE (Venice Commission), Code of Good Practice, sec. I.2.2.14; EISA and ECF of SADC Countries, PEMMO, p. 13; CoE (Venice Commission), Code of Good Practice, sec. I.2.2.15

<sup>138</sup> U.N., ICCPR, art. 25; U.N., ICERD, art. 5(c); U.N., CEDAW, art. 7(b); AU, AfCHPR, art. 13(1); OAS, ACHR, art. 23(1)(a); ECOWAS, Protocol on Democracy and Good Governance, art. 1(d); U.N., CEDAW, art. 7(b); U.N., ICCPR, art. 25(a); AU, African Youth Charter, art. 23.1.b; EU (Council), Resolution on EU Youth Strategy 2019-2027, p. 3-4

<sup>139</sup> CoE (Venice Commission), Code of Good Practice, sec. I.2.2.vii; SADC, Principles and Guidelines Governing Democratic Elections, para. 7.8

### 3.18: Openness to electoral observation

**Model Commitment:** The electoral authorities shall allow and facilitate the work of electoral observers, both domestic and international, permitting access to all aspects and stages of the electoral process.

#### Relevant Norms, Standards, and Obligations

- Election observers were able to observe the campaign process.<sup>140</sup>
- Observers were able to access places used for voting.<sup>141</sup>
- Candidates and their representatives, as well as observers, were able to observe polling and counting.<sup>142</sup>
- International observers were accredited and were able to access and comment on all parts of the electoral process.<sup>143</sup>
- The state accredited citizen observer organizations and facilitated their ability to conduct their activities.<sup>144</sup>
- Party agents and accredited observers were given copies of the protocols and tabulation sheets from the results center.<sup>145</sup>
- Observers, domestic and international, were given access to the voter education process.<sup>146</sup>

<sup>140</sup> AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25

<sup>141</sup> U.N., ICERD, art. 5; U.N., CRPD, art. 9; AU, Protocol to the AfCHPR on the Rights of Persons

with Disabilities, art. 15(1), 21(2)c

<sup>142</sup> AU, ACDEG, arts. 19–22; CIS, Convention on Democratic Elections, art. 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, arts. 23–25; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 68; OSCE (ODIHR), Handbook for the Observation of New Voting Technologies, p. 8

<sup>143</sup> U.N., Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, para. 12

<sup>144</sup> OSCE, Moscow Document, para. 43; OIF, Bamako Declaration, para. 4(c)17; OSCE, Moscow Document, para. 43; UNHRC, Resolution 38/12, p. 3; CoE (Committee of Ministers), Recommendation (2018)11, para. I.a.c, II.a; CoE (PACE), Resolution 2226(2018), para. 10.6; EU, EP, Resolution 2016/2324(INI), para. 3, 6; UN (CRPD), General Comment No. 6, para. 70.d; OIF, Bamako Declaration, para. 2.6; CoE (PACE), Resolution 2226(2018) on New Restrictions on NGO Activities, para. 10.5

<sup>145</sup> Norwegian Helsinki Committee, Human Rights Monitoring, p. 14; EISA and ECF of SADC Countries, PEMMO, p. 27

<sup>146</sup> OSCE, Copenhagen Document, para. 8

Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.

# Electoral Accountability Commitments

**Goal:** *To establish confidence among prospective voters and electoral contestants that their election-related rights will be protected by the rule of law and that effective administrative and legal redress of any infringements of those rights will be available should they seek it.*

## 4: Overarching Commitment: Timely, transparent resolution of complaints and disputes

**Model Commitment:** Legal provisions shall be promulgated requiring that decisions made by EMBs, courts, prosecutors, law enforcement, and other government agencies are documented and made publicly available in a timely manner. Information concerning election-related administrative complaints or other such procedures concerning redress of abridgements of election-related rights and judicial processes shall be timely determined and made publicly available, including the reasoning for the decisions, and disposition of administrative and criminal investigations and prosecutions. Complainants shall be able to appeal adverse rulings.

### Relevant Norms, Standards, and Obligations

- The judgments, findings, and evidence of judicial proceedings, and legal reasoning for judgments, were made public.<sup>147</sup>
- An effective (timely and enforceable) remedy was available for all citizens for violations of their rights throughout the electoral process.<sup>148</sup>
- Transparency and access to information were respected during the dispute resolution process.<sup>149</sup>
- Parties to the complaints had access to factual information regarding the alleged violations.<sup>150</sup>
- Potential complainants were informed of the means of filing a complaint and the time frame of its resolution.<sup>151</sup>
- Complaints processes were transparent, and the opportunity to present evidence in support of a complaint existed.<sup>152</sup>

## Detailed Commitments

### 4.01: Dispute resolution transparency and access

**Model Commitment:** Applicable laws and rules regarding administrative complaint mechanisms and judicial proceedings concerning electoral processes are widely publicized, transparent and equally available to all without overly burdensome fees, deposits, or requirements to prospective voters, electoral contestants, and other interested parties.

### Relevant Norms, Standards, and Obligations

- An effective (timely and enforceable) remedy was available for all citizens for violations of their rights throughout the electoral process.<sup>153</sup>
- The ability to challenge the results of the election was provided by law and was available to complainants as appropriate.<sup>154</sup>

<sup>147</sup> U.N., ICCPR, art. 14(1); CoE, ECHR, art. (6)(1)

<sup>148</sup> U.N., ICCPR, art. 2; AU, AfCHPR, art. 7; OAS, ACHR, art. 25; CoE, ECHR, art. 13

<sup>149</sup> U.N., ICCPR, art. 19(2); AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13(1); CoE, ECHR, art. 10(1); CIS, Convention on Human Rights, art. 11(1)

<sup>150</sup> AU, ACHPR, Principles and Guidelines, art. C(b)(iii)

<sup>151</sup> U.N. (ECOSOC); U.N. document E/CN.4/2000/62, para. VIII.12.a

<sup>152</sup> OSCE, Copenhagen Document, para. 12; OSCE (ODIHR), Existing Commitments, p. 75

<sup>153</sup> U.N., ICCPR, art. 2; AU, AfCHPR, art. 7; OAS, ACHR, art. 25; CoE, ECHR, art. 13

<sup>154</sup> ECOWAS, Protocol on Democracy and Good Governance, art. 7

## 4.02: Impartiality of EMB and government officials

**Model Commitment:** Laws, regulations and other official guidance, such as training materials, shall specify that any government or EMB employee who used resources of their offices, including work time, to pursue the advantage or disadvantage of any political party or candidate or referendum position shall be sanctioned based on due process of law.

### Relevant Norms, Standards, and Obligations

- Steps were taken to prevent and punish fraud and electoral offenses.<sup>155</sup>
- There was an independent and impartial electoral management body.<sup>156</sup>
- The EMB acted impartially in the administration of the election.<sup>157</sup>
- The EMB, as an organ of the state, implemented effective policies to discourage acts of corruption.<sup>158</sup>
- The electoral management body maintained and implemented policies to prevent, address, and penalize acts of corruption.<sup>159</sup>
- The media was given access to information, particularly with regard to allegations of corruption and related offenses.<sup>160</sup>
- The state acted to investigate and address violations of rights. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.<sup>161</sup>
- Public resources were not abused in support of a particular party or candidate.<sup>162</sup>
- The law was clear regarding the extent to which public employees could be involved in a campaign. Public employees were not coerced into voting for a particular candidate or party.<sup>163</sup>

## 4.03: Conflict of interest protections

**Model Commitment:** Legal requirements, including meaningful sanctions, shall be put in place concerning avoidance of conflicts of interest, whether economic, political, or otherwise (including accepting gifts from those holding or seeking contracts), for all EMB and other government officials who conduct electoral support functions, and the requirements shall be circulated to such officials and widely publicized.

### Relevant Norms, Standards, and Obligations

- The EMB maintained and implemented policies to prevent, address, and penalize acts of corruption, including during the voting process.<sup>164</sup>
- The media was given access to information, particularly with regard to allegations of corruption and related offenses.<sup>165</sup>
- The EMB, as an organ of the state, implemented effective policies to discourage acts of corruption.<sup>166</sup>

<sup>155</sup> U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1

<sup>156</sup> CIS, Convention on Democratic Elections, art. 19(j); AU, ACDEG, art. 17(1); ECOWAS, Protocol on Democracy and Good Governance, art. 3; U.N. (CCPR), General Comment 25, para. 20

<sup>157</sup> AU, ACDEG, art. 17 (1); ECOWAS, Protocol on Democracy and Good Governance, art. 3

<sup>158</sup> U.N., UNCAC, art. 13(1)(a)

<sup>159</sup> U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7

<sup>160</sup> AU, Convention on Corruption, art. 12

<sup>161</sup> U.N. (CCPR), General Comment 31, para. 17

<sup>162</sup> CoE (Venice Commission), Code of Good Practice in the Field of Political Parties, para. 41

<sup>163</sup> OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 60

<sup>164</sup> U.N., UNCAC, art. 18; AU, Convention on Corruption, art. 7

<sup>165</sup> AU, Convention on Corruption, art. 12

<sup>166</sup> U.N., UNCAC, art. 13(1)(a)

#### 4.04: Legal sanctions for election rights violations

**Model Commitment:** Laws and rules shall specify that anyone who violates the election-related rights of voters, electoral candidates, campaigners, electoral workers, election observers, or journalists covering elections shall be liable under specifically defined election-related crimes and subject to specified penalties in accordance with due process of law protections.

##### Relevant Norms, Standards, and Obligations

- An effective and timely remedy was available for all citizens for violations of their rights throughout the electoral process.<sup>167</sup>
- The EMB, as an organ of the state, implemented effective policies to discourage acts of corruption.<sup>168</sup>
- The state acted to investigate and address violations of rights. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.<sup>169</sup>
- The state implemented sanctions against those who violated the electoral law.<sup>170</sup>
- Sanctions for violations of the electoral law were proportionate, appropriate, and effectively enforced.<sup>171</sup>

#### 4.05: Whistleblower protection

**Model Commitment:** Protections shall be promulgated against firing or other retribution for persons who lodge election-related complaints or otherwise in good faith make known information concerning wrongdoing by any EMB or government official for actions that violate election-related rights or constitute election fraud.

##### Relevant Norms, Standards, and Obligations

- Electoral stakeholders were free from arbitrary arrest and detention as well as intimidation and coercion.<sup>172</sup>
- An effective (timely and enforceable) remedy was available for all violations of their fundamental rights.<sup>173</sup>
- The legal framework provided the right for a fair and public hearing by a competent, impartial, and independent tribunal in the determination of rights.<sup>174</sup>
- Everyone was treated equally before the law and courts.<sup>175</sup>

<sup>167</sup> U.N., ICCPR, art. 2; AU, AfCHPR, art. 7; OAS, ACHR, art. 25; CoE, ECHR, art. 13

<sup>168</sup> U.N., UNCAC, art. 13(1)(a)

<sup>169</sup> U.N. (CCPR), General Comment 31, para. 17

<sup>170</sup> U.N. (CCPR), General Comment 31, para. 18

<sup>171</sup> AU, ACDEG, art. 17; U.N. (CCPR), General Comment 31, para. 4; CoE (Venice Commission), OSCE (ODIHR), Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources, para. II.C.2.2

<sup>172</sup> U.N., ICCPR, art. 9; AU, AfCHPR, art. 6; ACHR, art. 7(1)

<sup>173</sup> U.N., ICCPR, art. 2; AU, AfCHPR, art. 7 and art. 17(2); OAS, ACHR, art. 25(1); CoE, ECHR, art. 13

<sup>174</sup> U.N., ICCPR, art. 14(1); OAS, ACHR, art. 8(1); CoE, ECHR, art. 6(1); CIS, Convention on Human Rights, art. 6(1)

<sup>175</sup> U.N. (CCPR), General Comment 32, para. 8



#### 4.06: Trained dispute resolution officials

**Model Commitment:** Judges, prosecutors, and law enforcement officers shall be trained concerning: the legal framework for elections; the right to information concerning election-related information; expedited processing of election-related petitions, complaints, and challenges; the active protection of election-related rights of voters, electoral contestants, campaigners, election officials, election observers, and journalists covering elections; and the timely prosecution of those who commit election-related crimes.

##### Relevant Norms, Standards, and Obligations

- The legal framework provided the right for a fair and public hearing by a competent, impartial, and independent tribunal in the determination of rights.<sup>176</sup>
- The state acted to investigate and address violations of rights. It provided appropriate judicial and administrative means for addressing claims of rights violations, including allegations of electoral fraud.<sup>177</sup>
- Electoral management body personnel received training on the electoral process and international obligations.<sup>178</sup>

<sup>176</sup> U.N., ICCPR, art. 14(1); OAS, ACHR, art. 8(1); CoE, ECHR, art. 6(1); CIS, Convention on Human Rights, art. 6(1)

<sup>177</sup> U.N. (CCPR), General Comment 31, para. 17

<sup>178</sup> U.N., Declaration on the Right and Responsibility, art. 15

# Information Integrity Commitments

**Goal:** To ensure that the public is free to form and hold opinions relevant to elections without interference and prospective voters, electoral contestants and other concerned individuals may seek, receive, and impart information and ideas promoting electoral integrity without being subjected to hate speech, intimidation, bad-faith manipulation, or incitement to violence.

## 5: Overarching Commitment: Freedom of information in elections

**Model Commitment:** Laws and regulations shall guarantee, without hindrance or unreasonable restrictions, the freedom to seek, receive and impart credible information related to elections, and the forming of opinions about electoral or referendum choices. These freedoms relate to information on elections and referenda from any medium, free from disinformation, including from the internet and other digital communication means, including those generated by artificial intelligence.

### Relevant Norms, Standards, and Obligations

- A pluralistic media promoted citizen access to information, and the media was free to play an impartial and objective role in covering electoral issues.<sup>179</sup>
- Voters were able to form opinions independently, on the basis of information from a plurality of sources, and free from any manipulative interference.<sup>180</sup>
- The right of access to information was respected throughout the electoral process, including its relation to the media.<sup>181</sup>
- There were no restrictions by the state on people who may practice journalism, though journalists may have regulated themselves.<sup>182</sup>
- Free communication of information and ideas about public and political issues took place between citizens, candidates, and elected representatives.<sup>183</sup>
- Editorial independence was protected, and the government did not abuse resources or influence to exert control over media content.<sup>184</sup>
- News coverage of incumbents in the public media was not abused so that it constituted additional free airtime or print coverage.<sup>185</sup>

## Detailed Commitments

### 5.01: Nondiscriminatory access to media

**Model Commitment:** Laws and regulations provide that no legal or administrative obstacle stands in the way of unimpeded access to the media of all types on a nondiscriminatory basis for all proponents and opponents of referenda, political parties, and candidates wishing to participate in electoral and/or referendum processes.

### Relevant Norms, Standards, and Obligations

- Private media, while not subject to the same regulation as public media, was generally fair and balanced in its coverage of the candidates and provided an equal opportunity for access to all candidates.<sup>186</sup>

<sup>179</sup> EU, Charter on Fundamental Rights, art. 11(2)

<sup>180</sup> UNHRC, Resolution 38/7 on the Promotion, Protection and Enjoyment of Human Rights on the Internet, para. 4; CoE (Committee of Ministers), Recommendation (2018)1 on Media Pluralism and Transparency of Media Ownership, para. 5.1; CoE (PACE), Resolution 2254(2019) on Media Freedom as a Condition for Democratic Elections, para. 9.6

<sup>181</sup> U.N., ICCPR, art. 19; AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13

<sup>182</sup> U.N. (CCPR), General Comment 34, para. 44

<sup>183</sup> U.N. (CCPR), General Comment 25, para. 25

<sup>184</sup> U.N. (CCPR), General Comment 34, para. 16

<sup>185</sup> CoE (Committee of Ministers), Recommendation 99(15) on media coverage of election campaigns, para. 11.2

<sup>186</sup> CoE (Committee of Ministers), Recommendation (99)15 on media coverage of election campaigns, para. 3.1

- Free airtime was distributed equally (both amount of space as well as the timing and location of the media space).<sup>187</sup>
- Paid advertising on the media was identified as such, and the costs and conditions involved were reasonable and equally applied to all candidates and parties.<sup>188</sup>
- Limits on advertising spending (as political speech) were instituted only in the interest of promoting equality between candidates or parties.<sup>189</sup>
- A pluralistic media promoted citizen access to information, and the media was free to play an impartial and objective role in covering electoral issues.<sup>190</sup>

## 5.02: Public media neutrality

**Model Commitment:** Laws and regulations concerning state-owned or state-controlled media of all types shall be required to: not favor or disfavor any party or candidate standing for election or any side supporting or opposing matters in a referendum; provide equitable and accurate coverage in news and other activities for electoral contestants and referendum proponents and opponents; provide equitable access for such contestants to provide their messages to voters; and, should political advertisements be permitted, ensure equitable availability for them to provide such ads.

### Relevant Norms, Standards, and Obligations

- Editorial independence was protected, and the government did not abuse resources or influence to exert control over media content.<sup>191</sup>
- News coverage of incumbents in the public media was not abused so that it constituted additional free airtime or print coverage.<sup>192</sup>
- Paid advertising on public media was identified as such, and the costs and conditions involved were reasonable and equally applied to all candidates and parties.<sup>193</sup>

## 5.03: Public media voter education efforts

**Model Commitment:** Laws and regulations concerning state-owned or state-controlled media shall be required to provide accurate and timely information to the public on how to register to vote, how to verify the accuracy of such registration, and where, when, and how to cast votes. This information should be easily understood by voters (by using plain language), and available in minority languages and in formats as needed by voters, including those for persons with disabilities.

### Relevant Norms, Standards, and Obligations

- The state proactively put in the public domain government information of public interest.<sup>194</sup>
- Voter education campaigns included information about the voting and registration process.<sup>195</sup>
- The media took steps to reach all segments of society, including those who speak minority languages or live in rural areas.<sup>196</sup>

<sup>187</sup> CoE (Committee of Ministers), Recommendation (99)15 on media coverage of election campaigns, para. 11.4; U.N., Human Rights and Elections, para. 120

<sup>188</sup> CoE (Committee of Ministers), Recommendation (99)15 on media coverage of election campaigns, para. 1.2; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 65

<sup>189</sup> CoE (Venice Commission), Code of Good Practice, sec. 1.2.3.ee

<sup>190</sup> EU, Charter on Fundamental Rights, art. 11(2)

<sup>191</sup> U.N. (CCPR), General Comment 34, para. 16

<sup>192</sup> CoE (Committee of Ministers), Recommendation 99(15) on media coverage of election campaigns, para. 11.2

<sup>193</sup> CoE (Committee of Ministers), Recommendation (99)15 on media coverage of election campaigns, para. 1.2; OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 65

<sup>194</sup> U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19

<sup>195</sup> U.N., Human Rights and Elections, para. 88

<sup>196</sup> AU, Principles on Freedom of Expression, art. 3

## 5.04: Public media fair poll reporting

**Model Commitment:** Laws and regulations concerning state-owned or state-controlled media of all types shall be required to provide the source of public opinion poll results, the time it was compiled, any margins of error, and who sponsored the effort when they provide such information concerning electoral contestants or referendum questions or when they provide information such as exit polls concerning the status or projected outcomes of vote counts.

### Relevant Norms, Standards, and Obligations

- The release of opinion polls was subject only to reasonable restrictions.<sup>197</sup>
- Voters were able to form opinions independently, on the basis of information from a plurality of sources, and free from any manipulative interference.<sup>198</sup>
- The structure of media ownership was transparent so that citizens could better understand potential biases in their information sources.<sup>199</sup>

## 5.05: Public media to report EMB electoral information

**Model Commitment:** Laws and regulations shall require state-owned or state-controlled media of all types to communicate material provided by the country's EMB concerning its voter education efforts, proactive public communications about electoral processes, rapid-response communications concerning problems that may develop in processes, and debunking disinformation and misinformation.

### Relevant Norms, Standards, and Obligations

- The state proactively put in the public domain government information of public interest.<sup>200</sup>
- The right of access to information was respected throughout the electoral process, including its relation to the media.<sup>201</sup>
- The media aired debates between candidates and provided voter education.<sup>202</sup>

## 5.06: Social media disinformation, hate speech monitoring

**Model Commitment:** The country's EMB or other specifically designated agency, cooperating with the EMB, as well as civil society's social media monitors, shall develop timely, effective capacities to monitor social media to identify election-related disinformation and misinformation, hate speech, harassment, and speech encouraging or endorsing violence, in order to rapidly respond to such communications and inform social media companies so they may take appropriate actions.

### Relevant Norms, Standards, and Obligations

- The state took the steps necessary to guarantee rights with regard to the media; for example, through the establishment of an independent body to regulate election broadcasts.<sup>203</sup>
- Advocacy of national, racial, or religious hatred that constituted incitement to discrimination, hostility, or violence was prohibited by law, and the law was enforced.<sup>204</sup>

<sup>197</sup> U.N. (CCPR), Kim Jong-Cheol v. Republic of Korea (2001), para. 8.3

<sup>198</sup> UNHRC, Resolution 38/7 on the Promotion, Protection and Enjoyment of Human Rights on the Internet, para. 4; CoE (Committee of Ministers), Recommendation (2018)1 on Media Pluralism and Transparency of Media Ownership, para. 5.1; CoE (PACE), Resolution 2254(2019) on Media Freedom as a Condition for Democratic Elections, para. 9.6

<sup>199</sup> CoE (Committee of Ministers), Recommendation 94(13), Guideline 1, Recommendation (2018)1, para. 4.1; CoE (PACE), Resolution 2035(2015), para. 16, Resolution 2254(2019), para. 8.2

<sup>200</sup> U.N., UNCAC, art. 10; CoE, Convention on Access to Official Documents, art. 2(1); U.N. (CCPR), General Comment 34, para. 19

<sup>201</sup> U.N., ICCPR, art. 19; AU, Convention on Corruption, art. 9; OAS, ACHR, art. 13

<sup>202</sup> EU, Handbook (Ed. 2), p. 54

<sup>203</sup> U.N., ICCPR, art. 2(2); AU, AfCHPR, art. 1; OAS, ACHR, art. 2; CoE, ECHR, art. 1; CIS, Convention on Human Rights, art. 1

<sup>204</sup> U.N., ICCPR, art. 5(1) and art. 19(3); OAS, ACHR, art. 13(2)(a); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2); Summit for Democracy Disability Rights Cohort Sample Commitments (2023).

- The regulation of the media promoted equality and absence of discrimination.<sup>205</sup>
- The appointment and functioning of regulatory authorities of the media were transparent, and they were independent and protected from political interference. The media regulatory body acted in a transparent and impartial manner.<sup>206</sup>

### 5.07: EMB and online media platform cooperation

**Model Commitment:** A designated office within the country's EMB or other appropriate body shall be established to engage with online media companies to identify sources of election-related disinformation and misinformation, hate speech, harassment, and speech encouraging or endorsing violence and to encourage such companies to take appropriate deterrent actions.

#### Relevant Norms, Standards, and Obligations

- Advocacy of national, racial, or religious hatred that constituted incitement to discrimination, hostility, or violence was prohibited by law, and the law was enforced.<sup>207</sup>
- Internet intermediaries were transparent and provided easy access to their policies and practice on online content management, distribution, and automated processing.<sup>208</sup>
- Internet freedom and the exercise of human rights online were protected. Restrictions imposed were based in law, proportionate, and necessary in a democratic society.<sup>209</sup>

### 5.08: Online government neutrality

**Model Commitment:** Rules and regulations, with defined significant penalties, shall be promulgated prohibiting any official governmental website or social media account to post messages or other information that provides an advantage or disadvantage to any electoral contestant or proponent or opponent of any referendum measure.

#### Relevant Norms, Standards, and Obligations

- The law was clear regarding the extent to which public employees could be involved in a campaign. Public employees were not coerced into voting for a particular candidate or party.<sup>210</sup>

<sup>205</sup> U.N., ICCPR, art. 25; U.N., CRPD, art. 2; AU, AfCHPR, art. 2; OAS, ACHR, art. 1; LAS, Arab Charter, art. 3; CoE, ECHR, art. 14; EU, Charter on Fundamental Rights, art. 21(1); CIS, Convention on Human Rights, art. 20(2); U.N. (CESCR), General Comment 20, para. 32

<sup>206</sup> AU, Principles on Freedom of Expression, art. 7

<sup>207</sup> U.N., ICCPR, art. 5(1) and art. 19(3); OAS, ACHR, art. 13(2)(a); CoE, ECHR, art. 10(2); CIS, Convention on Human Rights, art. 11(2)

<sup>208</sup> U.N. (OHCHR), Guiding Principles on Business and Human Rights, para. II.A.11-13; CoE (Committee of Ministers), Recommendation (2012)3, para. 7, Recommendation (2016)1, para. 5.1, Recommendation (2018)2, para. 2.2.3; EU (European Commission), Recommendation on Measures to Effectively Tackle Illegal Content Online, para. 16

<sup>209</sup> CoE (Committee of Ministers), Declaration CM(2005)56, para. I.1; CoE (Committee of Ministers): Recommendation (2016)5, para. 2(4)1; UNHRC, Resolution 38/7, para. 1

<sup>210</sup> OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 60

## 5.09: Citizens' data privacy

**Model Commitment:** Rules and regulations shall be timely promulgated to protect citizens' data privacy in accordance with best practice standards concerning collecting, holding, transferring or otherwise using personal information for: microtargeting of political advertising; election-related misinformation or disinformation and hate speech and speech that encourages or endorses violence in the electoral context; or for any form of retribution for any legal election-related activities.

### Relevant Norms, Standards, and Obligations

- Personal data could be collected and processed based on informed consent.<sup>211</sup>
- Personal data controllers complied with data minimization, accuracy, confidentiality, integrity, and storage limitation obligations.<sup>212</sup>
- Personal data controllers provided clear and accessible information about their data collection and processing policies and practices.<sup>213</sup>
- An independent, duly resourced body oversaw compliance with data protection principles.<sup>214</sup>
- Citizens who offered proof of identity had the right to rectify information about them that was inaccurate.<sup>215</sup>

<sup>211</sup> EU, GDPR, art. 5(1)b; UNGA, Resolution 73/179, para. 7.c; CoE (Committee of Ministers), Recommendation (2012)4, para. 6; CoE (Committee of Ministers), Recommendation on Good Administration, art. 9.1–3; OECD, Recommendation Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, para. 8

<sup>212</sup> EU, GDPR, art. 5(1)b,c; CoE (Committee of Ministers), Recommendation (2012)3 on the Protection of Human Rights with Regard to Search Engines, para. 7, 10; APEC, Privacy Framework, para. 24; OECD, Recommendation Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, para. 8

<sup>213</sup> EU, GDPR, art. 5(1)a; OECD, Recommendation Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, para. 12; UNGA, Resolution 73/179 on the Right to Privacy in the Digital Age, para. 7(b); CoE (Committee of Ministers), Recommendation (2018)2 on the Roles and Responsibilities of Internet Intermediaries, para. 2.2.1–3

<sup>214</sup> EU, GDPR, art. 51.1

<sup>215</sup> EU, GDPR, art. 5(1)d; U.N. (CCPR), General Comment 34, para. 18; U.N. (CCPR), General Comment 16, para. 10

Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.



# International Engagement

**Goal:** To combat foreign interference aiming to subvert electoral integrity and national sovereignty through disinformation, illicit flows of funds, and other means that undermine public confidence in elections and democracy, and to share experience and practice to protect democratic norms and practice for genuine elections.

## 6: Overarching Commitment: International cooperation to advance democratic norms and credible elections

**Model Commitment:** Relevant government agencies, including EMBs, should engage in international and regional efforts to defend and advance democratic norms and credible elections. Such efforts include, e.g., the Summit for Democracy, Open Government Partnership, Global Network for Securing Electoral Integrity, Asian Electoral Stakeholders Forum, international associations of EMBs, regional and global dialogues of EMBs, associations of civil society and international organizations concerned with election observation, electoral credibility and democratic norms. Such engagements should enable learning and sharing of experiences, including to address issues and challenges related to cybersecurity of election infrastructure, foreign-based threats to information integrity, illicit flows of money across borders (including digital currencies), and other threats that undermine the conduct of credible elections or subvert public confidence in democracy or electoral credibility.

### Relevant Norms, Standards, Obligations:

*While the model commitments outlined in Sections 1–5 above have been grounded to normative sources (norms, standards, and obligations) linked to the electoral cycle broadly conceived, the final commitment focuses on international cooperation. As such, the relevant normative sources, listed below, are from documents related to global assistance networks, political declarations, and international cooperation agreements, which include specific articles or sections that support the model commitment regarding international cooperation. The source documents below describe actions that states, state agencies, or nongovernmental groups could or should foster to promote international cooperation to advance democratic norms and credible elections:*

- “The Global Network for Securing Electoral Integrity will leverage its collective expertise to clearly identify critical threats to elections, promote awareness and adherence to existing norms and good practices, and, where there are gaps, shape consensus around guiding principles and effective methods to address emerging concerns” (Objective 1). “The Network will focus on mitigating threats to elections by: sharing information and innovative and effective practices; coordinating on ways to disincentivize actors from undermining elections; and building relationships to strengthen cooperation between a variety of actors in the face of threats. The Global Network will also prioritize building bridges with other sectors whose work has bearing on electoral integrity, such as rule-of-law actors, human rights practitioners, anti-corruption bodies, media and other information integrity actors, and the technology sector.” (Objective 2) (Global Network for Securing Electoral Integrity, GNSEI).
- “Strengthening the understanding of the legal systems of the participating states, notably with a view to bringing these systems closer; promoting the rule of law and democracy; examining the problems raised by the working of democratic institutions and their reinforcement and development (Art. 1 sec.1); with a view to spreading the fundamental values of the rule of law, human rights and democracy, the Commission encourages the setting up of similar bodies in other regions of the world and may establish links with them and run joint programmes within its field of activity (Art. 1 sec.3). (European Commission for Democracy Through Law - Venice Commission. Resolution 2002 3 adopting The Revised Statute of the European Commission for Democracy Through Law).
- “Contribute to the advancement of open government in other countries by sharing best practices, expertise, technical assistance, technologies and resources, as appropriate” (Open Government Partnership, Section II B 1 e).
- “Reaffirm the right to development, as established in the Declaration of the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights, which must be realized through international co-operation, respect for fundamental human rights, the establishment of a monitoring mechanism and the creation of essential international conditions for the realization of such right” (ASEAN Bangkok Declaration, n. 17).

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Key: **Green** = International and regional treaties; **Blue** = Interpretive sources or political commitments; **Orange** = State practice.

- “... [W]ork together to promote and strengthen democracy, recognizing that we are at differing stages in our democratic development. We will cooperate to consolidate and strengthen democratic institutions, with due respect for sovereignty and the principle of non-interference in internal affairs. ... our governments hereby agree ... to support one another in meeting these objectives” (Community of Democracies: Warsaw Declaration).
- “Promote electoral justice and best practices in the management of elections and mitigation of election-related conflict” (2.1.5); “implement interventions designed to promote democratic principles and practices” (Section 5.1); “Encourage the specific SADC Member State holding elections to adhere to international best practices in all elections” (7.1.1.c); “Advise the specific Member State holding elections on strategies for enhancing and consolidating the capacity of the EMBs” (7.1.1.d) (Electoral Commissions Forum of SADC Countries (ECF-SADC): Principles and guidelines governing democratic elections document).
- “[E]stablish and maintain relations with other regional and international electoral organizations. The nature and forms of such relations shall be determined by the Executive Board in agreement with the organizations concerned” (ACEEEO: Charter 4.3a).
- “Provide a platform for election stakeholders across Asia to exchange knowledge and experience, mutually learn and develop synergies for greater cooperation, collaboration and partnerships; Support its member organizations in their domestic initiatives on election monitoring, voter education, civic engagements and other such actions that seek to strengthen democracy” (ANFREL: Constitution, Article IV, d and e).
- “Increase cooperation between the Associations that make up the Union, as well as between the Electoral Bodies that are part of the Union; Promote the exchange of information related to electoral regimes” (UNIORE Constitutive Act, A and B).
- “... [I]dentify the most significant and widespread barriers to free and fair elections in Asia and strengthen the resolve of the Asian people to address them by involving all relevant national, regional and international stakeholders” (AESF [Asian Election Stakeholders Forum, which includes EMBs and CSOs] 2012 Bangkok Declaration, furthered by the 2015 Dilli Indicators of Democratic Elections, the 2026 Bali Commitment to Electoral Transparency, the 2018 Colombo Pledge, and the 2021 AESF 5 Memorandum).
- “The body or mechanism created to manage legislative elections impartially and in a balanced fashion will be assigned many specific functions, which could typically include the following: (xi) engaging in international co-operation and assistance.” (“Code of Conduct for the ethical and professional Administration of Elections”, International IDEA, 1996)

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