

TERMS OF REFERENCE

FOR

LOCAL/DOMESTIC OBSERVERS

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LOCAL OBSERVERS

1:0 ELECTION LAW AND LOCAL OBSERVERS

Election Laws (Amendment) Act No. 15 of 2000, Section 20 states:

"The Commission may approve of local organizations observing the democratic process involved in any election provided such Organizations fulfill such conditions as may be stipulated by the Commission".

- 1:1 The Elections Commission may at any presidential and parliamentary elections accredit any association, organization or institution which is manifestly non-partisan to observe the electoral process.
- 1:2 The Election Commission shall issue guidelines for local/domestic observers which shall be binding on such observers upon accreditation.
- 1:3 Those organizations and institutions desirous of participating in the observation process may apply accreditation as local observers by May 31, 2006.
- 1:4 The Elections Commission may revoke the accreditation it has granted to any election observer group where it is satisfied that the group or any of its member is partisan.
- 1:5 No association, organization or institution shall observe any election unless the Elections Commission has accredited the association, organization or institution.
- 1:6 All accredited domestic election observers shall submit to the Elections Commission written periodic reports of the groups observation prior to and not later than six months after the date of announcement of the election results in respect of the election observed.

2:0 ACCREDITATION OF LOCAL/DOMESTIC OBSERVERS

- 2:1 All local election observer groups must be accredited by the Elections Commission.
- 2:2 The Elections Commission will accredit an organization where such accreditation is sought and the organization has satisfied the criteria set by the Elections Commission.
- 2:3 Organizations and institutions interested in accreditation as election observers must apply to the Elections Commission.

2:4 For an organization to be considered for accreditation, must provide the following information:-

- (a) That it is an entity that is registered or recognized by the state;
- (b) The names and occupation of its national officials;
- (c) A copy of its Constitution;
- (d) Demonstrate its capacity to carry out the intended observation in terms of its finances and logistics;
- (e) A firm commitment that the organizations, its officials and proposed election observers are impartial and non-partisan in terms of political contestants and political issues and views throughout the election period;
- (f) Demonstrate that the organization's election observation will promote the electoral process; and
- (g) Affirmation that the organization, its officials and election observers nominated by it will comply with lawful instructions issued by the Elections Commission or its Elections officials from time to time.

3:0 **ROLE LOCAL/DOMESTIC OBSERVERS**

Local/Domestic observers should:

- Respect the domestic laws of the country;
- Show respect for the people and culture of the country;
- Refrain from interfering in or impeding the normal course of the electoral process;
- Generally maintain close liaison with the Elections commission;
- Inform the Elections Commission of the objectives of observation;
- Exercise particular caution when issuing public statements reflecting upon the Elections Commission;
- Respect the role, status and authority of election officials, and exhibit a respectful and courteous attitude to election officials and voters;
- Obtain proper accreditation, and supply information as required for that purpose;

- Refrain from attempting without permission to provide guidance or information to persons involved in the electoral process, and from providing interpretations of applicable laws;
- Refrain from announcing election results without the authority of the Elections Commission;
- Report to the relevant authorities all criminal activities relevant to the election, and violations of the electoral law;
- Provide to the Elections Commission copies of written information/statements produced.
- Act in a strictly neutral and unbiased manner in relation to the Elections Commission, parties, candidates, the voters, and the media;
- Disclose any relationship with any relevant actors which may lead to a conflict of interest during observation and assessment;
- Refrain from accepting any gifts from parties or persons involved in the election process;
- Refrain from any action which indicates, or is capable of being seen as indicating partisan support for any candidate, political party, political actor or tendency;
- Refrain from expressing views on subjects which are likely to be issues at the election, and in particular refrain from communicating with voters on matters of partisan significance;
- Refrain from taking part in functions or activities which could lead to perceptions of sympathy for a particular candidate, political party, political actor or tendency, for example, visits to military installations, or visits to official ceremonies sponsored by political parties.
- In the case of individuals, refrain from wearing party symbols or colours;
- Attempt to obtain a valid view of all aspects of the electoral process relevant to its legitimacy.
- Attempt to obtain a valid view of the way the electoral process has progressed in all parts of the country;
- Consult widely with relevant political actors and other concerned organizations;
- Undertake an analysis of the legal framework within the election is being conducted, with the view to assessing whether it is adequate in the circumstances;

- Endeavour to determine whether the actions for the Elections Commission are impartial and consistent with substantially free and fair elections;
- Endeavour to determine whether there is respect for freedom of expression, organization, movement and assembly;
- Endeavour to observe political meetings and demonstrations;
- Endeavour to determine whether voters have sufficient knowledge of the process to participate in the election;
- Endeavour to determine the equity and comprehensiveness of the registry of voters, candidates and parties'
- Endeavour to determine whether effective mechanisms are implemented to prevent multiple voting, and to guarantee the secrecy and security of the ballot;
- Endeavour to deploy observers in polling stations and counting centers in order to observe the compilation and communication of results;
- Endeavour to examine and assess the validity of complaints made to them, or to the Elections Commission, regarding the electoral process;
- At the commencement of their operations and in subsequent reporting, identify the objectives of the observation which they are undertaking;
- In all of their reporting:
 - (a) identify the exact information they have gathered which forms the basis of their assessments;
 - (b) in the case of statistical information, identify the basic of sampling undertaken, and The measures of uncertainty associated with statistics cited;
 - (c) identify any assumptions which have been made; and provide evidence and argument in supporting of all assertions and judgments;
- Take all necessary steps to ensure that all information gathered by them and conveyed to others as part of the observation process is based on first-hand verifiable information;
- Endeavour to ensure that information is collected and compiled in a way
- In respect of any allegations which reflect adversely on the Elections Commission or on a participant in the electoral process, obtain the response of the impugned party before treating such allegations as valid.

4:0 THE RIGHTS AND PRIVILEGES OF LOCAL/DOMESTIC ELECTION OBSERVERS

For election observers to succeed in all of the above they are entitled to the following:

- Have access to polling stations, counting venues and the Elections Commission national and local offices;
- Obtain official information about the country and elections from all election officials so long as the information is factual, public and within official knowledge;
- Attend meetings convened for the briefing of election observers or for any other purpose;
- Receive cooperation from all election officials within the law;
- Speak or communicate with any person at any place outside the polling station on matters connected with the election or any other matter;
- Communicate with any person inside the polling station (other than a voter but even in this case:
 - i. the must obtain the permission of the presiding officer and
 - ii. they must do so in a manner that does not interfere with the flow of the poll;
- Attend campaign rallies and such like functions;
- Be protected by political parties against any exposure to insult, hazard or threat in the course of their official duties;
- Seek protection and security from Guyana police while in Guyana;
- Inform the Elections Commission promptly of any irregularities that may affect the credibility of the election or prejudice the electoral process;
- Wear the Elections' Commission observers official badge or other official identification at all time once accredited;
- Undertaken to accept the election verdict that the Elections Commission will pronounce with regards to the results of the elections.

Note: (a) The Elections Commission has no financial obligation to any election observer except where agreed in writing.