

Introduction

Objective

International IDEA's intention in developing these Guidelines is to set out the basic components of a legal framework governing democratic elections, incorporating internationally-recognized electoral standards ("international standards"). These international standards are relevant to each component, and necessary for the legal framework to be able to ensure democratic elections. This publication is intended to identify electoral standards which contribute to uniformity, reliability, consistency, accuracy and overall professionalism in elections. Though there is a greater degree of acceptance of international standards in certain areas, it is recognized that in some areas they remain inadequate.

How to use these guidelines

The sections are presented in an order intended to facilitate methodical review and assessment of a country's legal framework for elections. Section headings identify the subject matter of the legal framework addressed in the

section. Beginning with Section Two, following each section heading is a statement of the objective of the international standard relevant to that particular component of the legal framework. Discussion of that particular component of the legal framework follows. Each section concludes with a checklist. This checklist can be used to verify if any legal framework has addressed all issues related to that particular component.

Where the electoral legislation being reviewed has been in existence for some time, it cannot be reviewed in isolation, without some reference to the way it is applied. A minimum level of knowledge of a country's electoral practices is essential to assess effectively how legal provisions are interpreted and enforced. Therefore reviewing the legal framework should normally extend beyond the letter of the law and at times might include observations regarding a country's practices -- the spirit in which a such legal framework is interpreted.

These standards should be used to ensure non-discrimination and equality of access for all citizens. The legal framework must therefore ensure that no identifiable societal group is excluded or marginalized from electoral and political processes. Such groups include women, ethnic minorities, citizens with disabilities, language minorities, internally displaced persons and refugees. These Guidelines are meant to be used to examine a country's legal framework for elections. Sometimes very important political issues might be put directly to the electorate through referendums or plebiscites. Though there may be some points of similarity between the two, these Guidelines do not specifically deal with such referendums or plebiscites.