

Support document to the Electoral Risk Management Tool



# Guide on Internal Factors

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The Guide on Factors of Election-related Violence  
Internal to Electoral Processes

International IDEA  
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## **Guide on Internal Factors**

*The Guide on Factors of Election-related Violence Internal  
to Electoral Processes*

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## **Acronyms and abbreviations**

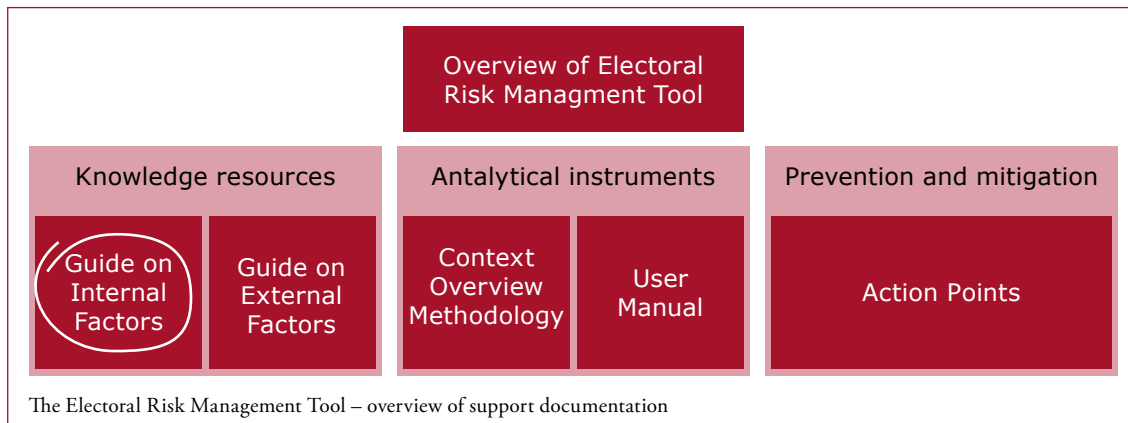
EDR	electoral dispute resolution
EMB	electoral management body
FPTP	First Past The Post (electoral system)
International IDEA	International Institute for Democracy and Electoral Assistance
SSA	security sector agency



# About the Guide on Internal Factors

## The purpose of this Guide

The *Guide on Internal Factors* is a support document to International IDEA's Electoral Risk Management Tool. Factors presented in this Guide mirror the list of *factors of election-related violence internal to electoral processes* (hereafter referred to as *internal factors*) as presented in the Knowledge Resources module of the tool (see the tool overview chart below). This format makes it easy to print and share. This document, combined with the document on external factors, is intended to guide the user of the Electoral Risk Management Tool through a broader checklist which can be useful for identifying risks of election-related violence in a given country and electoral context.



## The users of this Guide

This document is intended for individuals involved in the context overview<sup>1</sup> and tool customization exercises.<sup>2</sup> It is envisaged that the user's organization will share a copy of this Guide and other support documents with its staff, partner organizations and external specialists involved in the project to ensure that discussion and contributions are focused.

## Methodology for identifying relevant factors

Internal factors are election-specific and do not exist outside the electoral context. They relate to electoral actors, events, practices and materials which can trigger or contribute to triggering election-related violence. The list presented in this document is compiled from different research papers, reports on elections and other relevant publications. These documents suggest links between particular factors, or combinations of factors, resulting in an increase of election-related tensions and outbreaks of election-related violence.

<sup>1</sup> Context overview is the assessment of the historical and current dynamics of election-related conflicts and an estimation of the potential risks relating to the forthcoming elections (this is covered in section 4.1.1 of the International IDEA *Overview of the Electoral Risk Management Tool*, launched at the same time as this Guide).

<sup>2</sup> Customization is a technical exercise and refers to the creation of a country- and election-specific model generated by the tool software (see the *Overview of the Electoral Risk Management Tool*, section 4.1.2).

## **The structure of the Guide and description of the factors**

This Guide points to 26 internal factors clustered into seven phases<sup>3</sup> of the electoral cycle (reflected in the seven chapters: see the table of contents). In addition to a short introduction for each phase of the electoral cycle, the Guide provides a description for each factor:

1. *the introduction* section provides a general definition and explanation of the context in which a given factor can trigger or contribute to triggering election-related violence;
2. *the empirical cases and interrelated factors* section illustrates particular countries and electoral contexts in which the given factor was identified as a trigger or a factor which contributed to triggering election-related violence. Interrelated factors point to the wider context in which violence took place. This includes both internal and external factors. References to the source documents are provided;
3. *the observable indicators* section points to the observable properties of the different factors; and
4. *the data collection and analysis methodologies* section suggests data sources, collection techniques and analysis methods. The software will include pre-packed but editable surveying questionnaires which will further assist the user(s) with the data collection. Analysis will assist bodies, primarily those responsible for organizing peaceful elections, in making informed choices.

## **Customization of the list of factors**

The list of factors presented in this Guide is not exhaustive. Also, the way in which factors are named or described may not fit local terminologies and specifics. The tool's Knowledge Resources module therefore allows the user to rename existing factors and/or to generate and describe new factors which will be included in the country- and election-specific model.

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<sup>3</sup> The eighth phase of the electoral cycle is not included in this Guide. Although there is a possibility that violence occurring after the implementation of election results is linked to the elections, the risk factors underlying such violence may not be process-related. Instead, the incident should be examined in the context of the structural risk factors. These are defined in the *Guide on Factors of Election-related Violence External to Electoral Processes*.





# 1. The electoral legal framework

The electoral legislation is the collection of ‘legal structural elements defining or influencing an electoral process’. These can include:<sup>4</sup>

- *the constitution*, which is the supreme legislative act in a country;
- *national laws*, which may take the form of one comprehensive electoral code, or be a set of laws covering different aspects of the electoral process;
- *provincial or state laws*, which in federal countries may govern processes for provincial or state and local electoral events (as in Australia) or for national electoral events (as in the United States);
- *ordinances and regulations* made by national or lower-level authorities;
- *regulations, proclamations and directives* issued by an electoral management body (EMB), if it has powers to do so;
- *customary laws and conventions* which may be integrated into an electoral law, or EMB regulations or policies, dealing with issues such as separate voter registration and voting arrangements for women and men;
- *administrative policies* made by an EMB or other bodies; and
- *codes of conduct* (voluntary or otherwise), some of which may be unspoken and may have a direct or indirect impact on the electoral process, for example, for EMBs, election participants, observers, and election reporting by the media.

The framework can also incorporate international standards from international agreements and frameworks. For example, articles 7 and 8 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) require that state parties take all appropriate measures to eliminate discrimination against women in the political and public life of the country and to ensure that women, on equal terms with men and without any discrimination, have the opportunity to represent their governments at the international level and to participate in the work of international organizations. Article 21 of the Universal Declaration of Human Rights, which states in clauses 1 and 3 that ‘*Everyone has the right to take part in the government of his country, directly or through freely chosen representatives*’ and ‘*The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures*’.

<sup>4</sup> International IDEA, *Electoral Management Design: The International IDEA Handbook* (Stockholm: International IDEA, 2006), chapter 2, p. 43, available at <[http://www.idea.int/publications/emd/upload/EMD\\_inlay\\_final.pdf](http://www.idea.int/publications/emd/upload/EMD_inlay_final.pdf)>, accessed 23 September 2011.

## 1.1 Contested electoral law

### Introduction

The electoral law is made up of one or more pieces of legislation governing all aspects of the process for electing the political institutions defined in a country's constitution or institutional framework.<sup>5</sup>

Electoral law can exclude individuals and groups from electoral processes by denying them the right to vote or to compete in elections. It can also be designed to favour one party over another. Those who feel that they are being denied an opportunity to participate in electoral processes or that they will be competing on an uneven playing field may resort to violent means to communicate their message or to prevent elections from taking place at all. Similarly, a government or its supporters may also prevent certain groups from participating in elections through violent means.

### Empirical cases and interrelated factors

- *Zimbabwe parliamentary and presidential elections 2008*. The electoral law adopted in 2007 did not stipulate the deadline for the Zimbabwe Election Commission (ZEC) to announce the election results. In addition, the timeline for organizing the second round of elections was only 21 days, which was not realistic. Legal inconsistencies led to delay in the announcement of the election results, raising concerns among the opposition that the elections were being rigged. As tensions rose, the pro-Mugabe supporters started to intimidate people in provinces that were seen as opposition strongholds. Inhabitants of Manicaland Province were intimidated by the heavy presence of youth militias and war veterans known for their brutal methods.<sup>6</sup>

*Interrelated factors*: human rights violations (*external*); unequal media access and favouritism (*internal*); presence of non-state armed actors (*external*); poor socio-economic conditions (*external*); poor voter information campaign (*internal*).<sup>7</sup>

- *Côte d'Ivoire presidential election 2010*. The presidential election in Côte d'Ivoire planned for February 2010 was postponed by the incumbent President, Laurent Gbagbo. The postponement led to violent demonstrations throughout the country which resulted in 14 casualties, including five fatalities.<sup>8</sup> The 2008 amendment to the electoral law had introduced a provision which obliged the Independent

<sup>5</sup> International IDEA, *Electoral Management Design*, annex B, Glossary, p. 326, accessed 23 September 2011.

<sup>6</sup> IRIN Africa, 'Zimbabwe: Post Election Violence Increasing', 10 April 2008, available at <<http://www.irinnews.org/Report.aspx?ReportId=77705>>, accessed 24 August 2011.

<sup>7</sup> International Crisis Group, 'Zimbabwe: Prospects from a Flawed Election', Africa Report no. 138 (20 March 2008), pp. 8, 9, 12, available at <<http://www.crisisgroup.org/-/media/Files/africa/southern-africa/zimbabwe/Zimbabwe%20Prospects%20from%20a%20Flawed%20Election.pdf>>, accessed 26 September 2011.

<sup>8</sup> Alston, Philip, 'Report of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Addendum: Election-related Violence and Killings', UN document A/HRC/14/24/Add.7 (18 May 2010), available at <[http://reliefweb.int/sites/reliefweb.int/files/resources/E002895AFBE42ABA492577370007FFE9-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/E002895AFBE42ABA492577370007FFE9-Full_Report.pdf)>, accessed 24 August 2011.



Electoral Commission (IEC) to pass over the election results to the Constitutional Council for verification. This provision contributed to the triggering of widespread post-election violence, resulting in the deaths of more than 3,000 people.<sup>9</sup> President Gbagbo used his influence over the Constitutional Council to block the process of certifying the opposition candidate, Alassane Ouattara, as the winner of the run-off, and this sparked the violence.

*Interrelated factors:* presence of non-state armed actors and neighbouring violent actors (*external*); human rights violations (*external*);<sup>10</sup> grievances relating to genocide, crime against humanity and war crimes (*external*);<sup>11</sup> poor socio-economic conditions (*external*);<sup>12</sup> problematic ballot counting and result tallying (*internal*); problematic election day operations (*internal*).<sup>13</sup>

### **Observable indicators**

- 1) The level of compliance with regional and international electoral standards and obligations;
- 2) the extent to which the electoral law is adequate and comprehensive in regulating all aspects of the electoral processes;
- 3) the level of confidence in the electoral law; and
- 4) the record of contestations against the electoral law (number of official judiciary and unofficial statements).

<sup>9</sup> UN News Centre, 'ICC Prosecutor Seeks Authorization to Probe Côte d'Ivoire Violence', 23 June 2011, available at <<http://www.un.org/apps/news/story.asp?NewsID=38817&Cr=Ivoire&Cr1=>>, accessed 27 June 2011.

<sup>10</sup> International Crisis Group, 'A Critical Period for Ensuring Stability in Côte d'Ivoire', Africa Report no. 176 (1 August 2011), pp. 2, 3, 5, 6, available at <<http://www.crisisgroup.org/-/media/Files/africa/west-africa/cote-divoire/176%20A%20Critical%20Period%20for%20Ensuring%20Stability%20in%20Cote%20dIvoire.pdf>>.

<sup>11</sup> Human Rights Watch, 'Côte d'Ivoire: Crimes Against Humanity by Gbagbo Forces', 15 March 2011, available at <<http://www.hrw.org/news/2011/03/15/c-te-d-ivoire-crimes-against-humanity-gbagbo-forces>>, accessed 1 November 2011.

<sup>12</sup> International Crisis Group, 'Cote d'Ivoire: Securing the Electoral Process', Africa Report no. 158 (5 May 2010), available at <<http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/158-cote-d-ivoire-securing-the-electoral-process.aspx>>, accessed 2 November 2011.

<sup>13</sup> International Crisis Group, 'Cote d'Ivoire: Finally Escaping the Crisis?', Africa Briefing no. 77 (25 November 2010), available at <<http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B077-cote-divoire-finally-escaping-the-crisis.aspx>>, accessed 2 November 2011.

## **Data gathering and analysis methodology**

- Conduct a specialist overview and analysis of the electoral law and its impact on all groups of people. Analyse potential negative impacts in different regions and among different social groups and political actors. Use maps to point to the regions where the electoral law can lead to heightened risks of violence. Use different markers to distinguish between different categories, e.g. legal provisions of concern, groups and actors affected.
- Conduct periodic surveys among political actors and the general public targeting both men and women to understand their levels of satisfaction with the electoral law.<sup>14</sup> Chart data and observe trends. Create colour-coded maps to indicate regions where dissatisfaction is high.
- Collect information on official complaints filed and resolved at the respective administrative and judicial instances relating to the electoral law. Use maps to mark geographical areas where most complaints were filed and plot charts that reflect complaints submitted throughout the electoral cycle. Distinguish between the groups who submit complaints and disaggregate the complaints on the basis of sex, political affiliation and so on.
- Assess the inclusiveness and transparency of the legislative processes. Mark areas where particular groups are excluded and where processes lack transparency.
- Consider relevant experiences from past elections.

<sup>14</sup> Ensure that all surveys ask respondents their socio-demographic characteristics, including their membership of marginalized groups. These include their age, sex, language, political orientation, ethnicity and religion, location, and any minority group membership they may have.



## 1.2 An unfit electoral system

### Introduction

At the most basic level, the electoral system translates votes cast into seats won by political parties and candidates.<sup>15</sup>

Different electoral systems can aggravate or moderate tensions and conflict in society. Some systems can work well to ensure gender<sup>16</sup>-balanced representation, representation of minority groups and the formation of coalition governments. Others will encourage the formation of strong single-party government. If an electoral system is not considered as inclusive and fair and the political framework does not allow a general feeling that political parties have a chance to win next time around, losers may feel compelled to work outside the system, using non-democratic, confrontational and even violent tactics.<sup>17</sup>

A study published by the United Nations Development Programme (UNDP)<sup>18</sup> points to four variables of an electoral system that may trigger conflicts: (a) the formula for determining how votes are translated into seats; (b) district magnitude; (c) the votes-to-seat-ratio; and (d) boundary delimitation.

### Empirical cases and interrelated factors

- *Lesotho parliamentary election 1998*. The First Past The Post (FPTP) electoral system triggered violence due to the perception of it being exclusionary and non-democratic.<sup>19</sup> Public demonstrations led to riots, causing the destruction of several buildings. The conflict only ended after military intervention by the Southern African Development Community (SADC).<sup>20</sup>

*Interrelated factors*: provocative party rallying (*internal*); inadequate funding, financing and budgeting (*internal*); insufficiency, destruction and loss of sensitive and non-sensitive materials (*internal*); unequal media access and favouritism (*internal*); problematic election day operations (*internal*).<sup>21</sup>

<sup>15</sup> International IDEA, *Electoral System Design: The New International IDEA Handbook* (Stockholm: International IDEA, 2005), pp. 5, 177, available at <[http://www.idea.int/publications/esd/upload/ESD\\_Handb\\_low.pdf](http://www.idea.int/publications/esd/upload/ESD_Handb_low.pdf)>.

<sup>16</sup> Gender refers to socially constructed rather than biologically determined roles of women and men, as well as the relationships between them in a given society at a specific time and place, while sex refers to the biologically determined differences and roles. The qualities, identities and behaviours expected from men and women are determined through the process of socialization.

<sup>17</sup> International IDEA, *Electoral System Design*, p. 6.

<sup>18</sup> United Nations Development Programme (UNDP), *UNDP Elections and Conflict Prevention Guide: A Guide to Analysis, Planning and Programming* (New York: UNDP, 2009), available at <<http://www.beta.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/elections-and-conflict-prevention-guide/Elections-Conflict-Prevention.pdf>>, accessed 23 September 2011.

<sup>19</sup> Likoti, Fako Jackson, 'Democracy and Elections in Lesotho: The Challenges of Lesotho Mixed Member Proportional System' (no date), p. 3, available at <[http://www.globalcrisisolutions.org/libraries/democracy\\_and\\_elections%20\\_in\\_lesotho.pdf](http://www.globalcrisisolutions.org/libraries/democracy_and_elections%20_in_lesotho.pdf)>, accessed 16 September 2011.

<sup>20</sup> Elklit, Jörgen, 'Lesotho: Africa's First MMP Electoral System', in International IDEA, *Electoral System Design*, p. 92.

<sup>21</sup> Commonwealth Secretariat, 'The Lesotho National Assembly Elections, 23 May 1998: The Report of the Commonwealth Observer Group' (1998), pp. 8–12, 16, available at <[http://www.thecommonwealth.org/shared\\_asp\\_files/GFSR.asp?NodeID=141402](http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=141402)>, accessed 13 October 2011.

- *Malaysia parliamentary election 2008.* Opposition political parties and civil society groups demonstrated for electoral reform before the general elections. Among other reforms, the demonstrators called for the abolition of the FPTP electoral system inherited from British colonial rule, whereby the winner with a simple majority dominates the parliament. The opposition parties and civil society groups claimed that this system was discriminatory and excluded women and indigenous people. Their demands for a level playing field were met with violence by the police and two opposition supporters were shot in the chest by the police.<sup>22</sup>

*Interrelated factors:* unequal media access and favouritism (*internal*); problematic voter registration (*internal*); lack of transparency of special and external voting (*internal*);<sup>23</sup> problematic registration of political parties and candidates (*internal*); problematic accreditation of domestic and international observers (*internal*).<sup>24</sup>

### **Observable indicators**

- 1) The level of inclusiveness of the electoral system; and
- 2) the degree of accountability ensured by the electoral system.

### **Data gathering and analysis methodology:**

- Conduct expert analysis of the effects of (a) the electoral formula; (b) district magnitude; (c) the votes-to-seat-ratio; and (d) boundary delimitation on representation of all significant groups in political institutions. Use maps to mark areas where the electoral system design heightens the risks of outbreaks of violence. Use different markers to present different risks.
- Conducted surveys among political and non-political actors to obtain their perceptions about the appropriateness of the electoral system. Use maps and charts for data presentation and identification of high-risk geographical areas or increasing risk trends.
- Consider relevant experiences from past elections.

<sup>22</sup> Gáldu - Resource Centre for the Rights of Indigenous Peoples, 'Malaysia: Calls for Electoral Reforms Met With Violence', available at <<http://www.galdu.org/web/index.php?odas=2260&giella1=eng>>, 18 September 2007, accessed 28 October 2011.

<sup>23</sup> Human Rights Watch, 'Malaysia: Citizens Denied a Fair Vote', 5 March 2008, available at <<http://www.hrw.org/news/2008/03/03/malaysia-citizens-denied-fair-vote>>, accessed 2 November 2011.

<sup>24</sup> Gáldu - Resource Centre for the Rights of Indigenous Peoples, 'Malaysia: Calls for Electoral Reforms Met With Violence', accessed 2 November 2011.



## 1.3 Inadequate electoral administrative rules

### Introduction

The electoral legal framework includes numerous administrative rules such as ordinances and regulations made by national or lower-level authorities; regulations, proclamations and directives issued by an EMB; customary laws, conventions and codes of conducts; and EMB regulations or policies dealing with various issues. These rules are important as they set a clear and detailed normative framework which can be clearly operationalized.

A lack of legislative and operational clarity may impact negatively on the credibility and transparency of the electoral processes and increase the risk of arbitrary manipulation, with potential to lead to conflicts and violence.

### Empirical cases and interrelated factors

- *Maldives local council elections 2011*. Six instances of election-related violence were reported,<sup>25</sup> all originating from incidents relating to unclear rules and ad hoc instructions. Observers reported that two supporters of the incumbent Maldives Democratic Party (MDP) were injured on the island of Kelaa and taken to hospital after clashing with the police. The incident was triggered by a decision by the Electoral Commission to let everyone queuing to vote cast their ballot, no matter how long it would take.<sup>26</sup>

*Interrelated factors*: environmental hazards (*external*); poor socio-economic conditions (*external*)<sup>27</sup>; problematic registration of political parties and candidates (*internal*); contested electoral law (*internal*); unequal media access and favouritism (*internal*).<sup>28</sup>

### Observable indicators

- 1) The level to which legislative acts are made operational through the specific regulations and instructions;
- 2) the extent to which electoral officials, political actors and citizen groups, including both men and women, are acquainted with and understand the electoral processes; and
- 3) the electoral actors' level of confidence in and satisfaction with the various administrative rules and procedures.

<sup>25</sup> Maldivian Democracy Network, 'Electoral Violence Monitoring: Local Council Elections 2011', p. 9, available at <<http://www.mvdemocracynetwork.org/wp-content/uploads/2011/05/Report-final-corrected-values.pdf>>.

<sup>26</sup> Maldivian Democracy Network, 'Electoral Violence Monitoring', p. 67.

<sup>27</sup> Maldivian Democracy Network, 'Electoral Violence Monitoring', pp. 23, 25, accessed 3 October 2011.

<sup>28</sup> Maldivian Democracy Network, 'Electoral Violence Monitoring', pp. 26, 38, 41.

## ***Data gathering and analysis methodology***

- Use surveys to measure the level of endorsement for the electoral regulations among the electoral actors. Use charts to show the approval rates. Distinguish between different political actors by asking for survey respondents' socio-demographic characteristics, including location and minority/marginalized group membership.
- Identify political actors who did not endorse particular legal provisions, such as codes of conduct for political parties. Use maps to show areas where this may represent a particular risk.
- Through the same surveys, assess levels of acquaintance with, and understanding of, relevant electoral regulations among electoral officials, political actors and citizen groups, including women and youth groups. Use bar charts to present the results. If there are geographical discrepancies, use maps to illustrate them.
- Consider relevant experiences from past elections.





## 2. Planning of and preparation for the implementation of electoral activities

### 2.1 Poor performance of the electoral management bodies

#### Introduction

An EMB is an organization or a body which is legally responsible for managing some or all of the elements that are essential for the conduct of elections and direct democracy instruments. These core responsibilities include planning voting operations, determining who is eligible to vote, receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates), conducting the balloting, counting the votes, and tabulation of the votes.<sup>29</sup> An EMB may be a stand-alone institution or a unit within a larger institution which has a broader mandate.

There are three broad electoral management models—the independent, governmental and mixed models. For each of these, gender representation on the EMB is fundamental. However, no matter which model is used, it is of the utmost importance that the EMB can ensure the credibility of the electoral process and the legitimacy of the election results. This can be done if the electoral management is constituted and operates under the following fundamental guiding principles: *independence, impartiality, integrity, transparency, efficiency, professionalism and service-mindedness*.<sup>30</sup>

If any of these constitutive principles are lacking, the EMB's work may generate more concerns and chaos which can lead to outbreaks of election-related violence.

#### Empirical cases and interrelated factors

- *Nigeria parliamentary and presidential elections 2007*. During the elections in 2007, Nigeria faced widespread violence resulting in the deaths of 200 people. One of the main problems during the elections was the poor performance of the Independent National Electoral Commission (INEC). The INEC was unable to organize the elections properly and was acquiescent in vote-rigging and other electoral malpractices. According to some observers, poor organization and logistics were part of an overall strategy to rig the elections. Immediately following the announcement of the result, protesters took to the streets as they did not believe that the result reflected the ballots they had cast. The demonstration was violently subdued by the police.<sup>31</sup> Most of the killings targeted political candidates and their supporters and

<sup>29</sup> International IDEA, *Electoral Management Design*, annex B, Glossary, p. 330.

<sup>30</sup> International IDEA, *Electoral Management Design*, pp. 22–5.

<sup>31</sup> International Crisis Group, 'Nigeria: Failed Elections, Failing State?', Africa Report no. 126 (30 May 2007), p. 6, available at <<http://www.crisisgroup.org/-/media/Files/africa/west-africa/nigeria/Nigeria%20Failed%20Elections%20Failing%20State.pdf>>.

were carried out by politicians' armed groups consisting of unemployed or poor adults and adolescents.<sup>32</sup>

*Interrelated factors:* human rights violations (*external*);<sup>33</sup> problematic election day operations (*internal*); insufficiency, destruction and loss of sensitive and non-sensitive materials (*internal*); problematic ballot counting and result tallying (*internal*); unequal media access and favouritism (*internal*); rejection of the election results (*internal*); presence of non-state armed actors (*external*);<sup>34</sup> poor socio-economic conditions (*external*).<sup>35</sup>

### **Observable indicators**

- 1) The levels of trust and confidence enjoyed by the EMBs across the country;
- 2) EMBs' levels of independence and inclusive composition, including from a gender perspective;
- 3) the level of impartiality of the EMBs; and
- 4) the level of transparency of the work conducted by the EMBs.

### **Data gathering and analysis methodology**

- Conduct an expert overview and analysis of the legal framework which regulates the establishment and the work of the EMBs. If a legal framework is not gender- and/or conflict-sensitive, e.g. if it does not ensure the representation of different groups comprising men and women, and minority and at times majority groups, use maps to point to the regions where the composition and work of the EMBs may be a factor that can instigate violence.
- Survey and interview political actors and citizen groups in order to measure perceptions of and trust in the EMBs' work. Conduct surveys on a regular basis. Chart the level of trust across time to understand trends.
- Analyse the EMBs' working practices relating to inclusiveness, transparency and accountability. Interview political actors and civil society groups, targeting both women and men in these groups on this particular issue and/or include this in the above survey. Use charts to record/observe trends and maps to point to the regions where this issue creates particular tensions.
- Consider relevant experiences from past elections.

<sup>32</sup> Alston, 'Report of the UN Special Rapporteur', p. 40, accessed 26 August 2011.

<sup>33</sup> International Crisis Group, 'Nigeria: Failed Elections, Failing State?', Summary, pp. 4, 5, 7, 9.

<sup>34</sup> International Crisis Group, 'Nigeria: Failed Elections, Failing State?', pp. 2, 3, 5, 6, 11.

<sup>35</sup> International Crisis Group, 'Nigeria: Want in the Midst of Plenty', Africa Report no. 113 (19 July 2006), p. 1, available at <<http://www.crisisgroup.org/-/media/Files/africa/west-africa/nigeria/Nigeria%20Want%20in%20the%20Midst%20of%20Plenty.pdf>>, accessed 2 November 2011.



## 2.2 An inadequate system for the resolution of electoral disputes

### Introduction

Electoral dispute resolution (EDR) mechanisms provide a formalized structure for appeals through which electoral actions and/or procedures can be legally challenged. Disputes may arise at any point in time throughout the various stages of the electoral process.<sup>36</sup> If effective and trusted EDR mechanisms are not put in place from the initial stages of electoral processes, electoral actors may decide to resort to violent means in resolving disputed issues.

### Empirical cases and interrelated factors

- *Ethiopia parliamentary election 2005.* The President of the National Election Board of Ethiopia (NEBE) also acted as the head of the Supreme Court which had a mandate to rule on electoral disputes. This was strongly contested by the opposition. Electoral complaints were processed in a way which not only prevented opposition parties exercising their electoral rights but exposed them to further violations of their human rights and insecurity. A climate of fear and intimidation marked the entire complaints process and one witness was killed. Security forces and militias were present around the hearings and opposition witnesses were arrested before or after their statements in the hearings.<sup>37</sup>

*Interrelated factors:* Grievances relating to genocide, crimes against humanity and war crimes (*external*);<sup>38</sup> human rights violations (*external*); presence of non-state armed actors (*external*);<sup>39</sup> rejection of the election results (*internal*).<sup>40</sup>

### Observable indicators

- 1) The existence of EDR bodies;
- 2) the degree of accessibility of the EDR bodies;
- 3) the degree of effectiveness of the EDR bodies;
- 4) the degree of independence of the EDR bodies;
- 5) the degree of impartiality of the EDR bodies;

<sup>36</sup> International IDEA, *Electoral Justice: The International IDEA Handbook* (Stockholm: International IDEA, 2010), pp. 37–8, available at <[http://www.idea.int/publications/electoral\\_justice/upload/inlay-Electoral-Justice.pdf](http://www.idea.int/publications/electoral_justice/upload/inlay-Electoral-Justice.pdf)>, accessed 23 September 2011.

<sup>37</sup> European Union Election Observation Mission, 'Ethiopia Legislative Elections 2005: Final Report' (no date), pp. 3, 28, available at <[http://eeas.europa.eu/human\\_rights/election\\_observation/ethiopia/final\\_report\\_en.pdf](http://eeas.europa.eu/human_rights/election_observation/ethiopia/final_report_en.pdf)>, accessed 29 August 2011.

<sup>38</sup> Human Rights Watch, 'Ethiopia: Crimes Against Humanity in Gambella Region', 23 March 2005, available at <<http://www.hrw.org/news/2005/03/23/ethiopia-crimes-against-humanity-gambella-region>>, accessed 2 November 2011.

<sup>39</sup> Human Rights Watch, 'Ethiopia: Political Dissents Quashed', 9 May 2005, available at <<http://www.hrw.org/news/2005/05/09/ethiopia-political-dissent-quashed>>, accessed 3 November 2011.

<sup>40</sup> Human Rights Watch, 'Ethiopia: Crackdown Spreads Beyond Capital', 15 June 2005, available at <<http://www.hrw.org/news/2005/06/14/ethiopia-crackdown-spreads-beyond-capital>>, accessed 3 November 2011.

- 6) the degree of transparency of the EDR bodies; and
- 7) the level of trust in the EDR bodies.

### ***Data gathering and analysis methodology***

- Conduct surveys and interviews with the political actors and citizen groups to measure the degree of trust in the work of EDR bodies. Use maps to show the level of trust within the different geographical regions. Repeat surveys over time and plot charts to observe trends.
- Obtain figures on the number of election-related complaints received, resolved and pending ruling from the relevant EDR bodies and disaggregate the complaints on the basis of sex. Use charts to display comparative data. Use maps to show geographical regions where EDR bodies underperform.
- Consider relevant experiences, including from a gender perspective, from past elections.



## 2.3 Inadequate operational planning

### Introduction

The development of a strategic plan is the basic step in focusing the efforts of an EMB on achieving its legal responsibilities.<sup>41</sup> Operational planning will help in developing a clear blueprint on the steps that need to be taken towards the organization of credible elections. The plan will include descriptions, timelines, geographical scope of preparation, activities, and human and funding resources needed.

Poor implementation of electoral activities may result in mistakes and delays. If these problems are seen as deliberate tactics aimed to favour certain political options or having a potential to influence electoral outcomes, they can trigger violence.

### Empirical cases and interrelated factors

- *Zimbabwe general elections 2013*. During the special voting exercise, uniformed voters smashed the windows of one polling station<sup>42</sup> and, in a separate incident, forced their way into a polling station, resulting in anti-riot police being called in to contain the situation.<sup>43</sup> By the end of the special voting process, many voters—which included security personnel and civil servants—had not been able to vote. The Zimbabwe Election Commission (ZEC) later issued a public apology and admitted that the special voting exercise had been marred by logistical challenges, which resulted in the ZEC failing to get the ballot papers to polling stations countywide on time.<sup>44</sup> The ZEC also cited unforeseen legal challenges, which forced them to print the ballot paper much later than planned.<sup>45</sup>

*Interrelated factors*: Insufficiency, destruction and loss of sensitive and non-sensitive materials (*internal*);<sup>46</sup> lack of transparency of special and external voting (*internal*).<sup>47</sup>

### Observable indicators

- 1) The existence of guidelines for strategic and operational electoral planning among relevant stakeholders;
- 2) the existence of strategic plans and operational concepts at the responsible bodies;

<sup>41</sup> International IDEA, *Electoral Management Design*, p. 131.

<sup>42</sup> Nehanda Radio, 'Police Smash Windows in Voting Chaos', 15 July 2013, available at <<http://nehandaradio.com/2013/07/15/police-smash-windows-in-voting-chaos/>>, accessed 5 February 2014.

<sup>43</sup> 'Anti-riot Squad Called to Control Rowdy Voters', *The Herald*, 15 July 2013, available at <<http://www.herald.co.zw/anti-riot-squad-called-to-control-rowdy-voters/>>, accessed 5 February 2014.

<sup>44</sup> 'ZEC Apology over Special Vote Fiasco', *New Zimbabwe*, 17 July 2013, available at <<http://www.newzimbabwe.com/news-11733-ZEC%20apology%20over%20special%20vote%20fiasco/news.aspx>>, accessed 5 February 2014.

<sup>45</sup> Bulawayo 24 News, 'Special Vote Delays, ZEC Blames MDC's Appeals', 15 July 2013, available at <<http://bulawayo24.com/index-id-news-sc-national-byo-33128.html>>, accessed 5 February 2014.

<sup>46</sup> Bulawayo 24 News, 'Special Vote Delays, ZEC Blames MDC's Appeals', 15 July 2013.

<sup>47</sup> MDC-T Challenges Special Vote', *The Zimbabwean*, 13 July 2013, available at <<http://www.thezimbabwean.co/news/zimbabwe/66822/mdc-t-challenges-special-vote.html>>, accessed 5 February 2014.

- 3) the level of coherence of the strategic and operational plans;
- 4) the level of consultation among responsible stakeholders during the planning period and the capacity to implement operational plans; and
- 5) the existence of monitoring and evaluation procedures and mechanisms.

### ***Data gathering and analysis methodology***

- Obtain operational planning documents from relevant stakeholders at different levels. Analyse the operational plans in term of quality and sufficiency, feasibility, including resource availability, and timelines envisaged. Point to deficiencies, e.g. potential shortfalls relating to human resources and funds for the implementation of plans, and unrealistic timelines. Use maps to mark geographical areas of particular concern.
- Cross-check harmonization between the documents produced by different stakeholders (e.g. between EMBs and SSAs). Use maps to point to geographical areas where discrepancies are noticed.
- Compare with the plans from the previous electoral processes. Create a map which displays data relating to the historical records of election-related violence and existing incidents of violence. Analyse operational plans in the context of historical and existing violence taking into account gender-based violence.
- Consider other relevant experiences, including from a gender perspective, from past elections.
- Generate risk maps for different electoral phases.



## 2.4 Inadequate funding, financing and budgeting

### Introduction

Electoral costs can be divided into three categories:<sup>48</sup>

- *core costs* (or direct costs)—routinely associated with implementing an electoral process in a stable electoral environment;
- *diffuse costs* (or indirect costs)—relating to electoral services that cannot be disentangled from the general budgets of agencies that assist with the implementation of an electoral process; and
- *integrity costs*)—necessary to provide security, integrity, political neutrality and a level playing field for an electoral process.

Inadequate funding, financing and budgeting will not trigger violence directly. However, inadequate resources may force EMBs to make compromises which can impact on the integrity and security of electoral processes and thus open them up for disputes which can fuel and trigger violent conflicts.

*Core cost* deficiencies may affect the technical integrity of the electoral process; lack of *diffuse funds* will limit the engagement of supporting agencies, most importantly those with the task to provide security; while a lack of *integrity funds* may harm the legitimacy of the process.

### Empirical cases and interrelated factors

- *Democratic Republic of Congo presidential and parliamentary elections 2011*. Hundreds of protesters were stopped as they approached the Independent National Election Commission (CENI) headquarters, claiming that the voter registration process was fraudulent and calling for an audit of the electoral register. The clash between opposition party supporters and the police lead to both injuries and arrests.<sup>49</sup> According to the Institute for War and Peace Reporting (IWPR), much of the trouble surrounding the registration process was ‘the consequence of poor planning and inadequate resources rather than corruption’.<sup>50</sup> It cites a lack of registration centres, faulty registration equipment, under-age registration and inexperienced CENI officials. The IWPR also reports that the CENI, in its turn, ‘blames its low budget for the lack of registration centers and the problems experienced during the enrolment process’.<sup>51</sup>

<sup>48</sup> International IDEA, *Electoral Management Design*, p. 176.

<sup>49</sup> BBC, ‘DR Congo Police Fire Tear Gas at Opposition Protestors’, 1 September 2011, available at <<http://www.bbc.co.uk/news/world-africa-14757353>>, accessed 4 February 2014

<sup>50</sup> Institute for War and Peace Reporting, ‘Violence Fears Ahead of DRC Polls’, 28 July 2011, available at <<http://iwpr.net/report-news/violence-fears-ahead-drc-polls>>, accessed 4 February 2014.

<sup>51</sup> Institute for War and Peace Reporting, ‘Violence Fears Ahead of DRC Polls’.

*Interrelated factors:* inadequate operational planning (*internal*); problematic voter registration (*internal*); contested electoral law (*internal*).<sup>52</sup>

### **Observable indicators**

- 1) The adequacy of funds to cover core costs;
- 2) the adequacy of funds to cover diffuse costs;
- 3) the adequacy of funds to cover integrity costs; and
- 4) the level of accountability in the procedures of budget approval and spending.

### **Data gathering and analysis methodology**

- Conduct an expert analysis that involves cross-checking the operational plans and available funds. Use maps to point to the geographical regions where insufficient funds may have an impact on the quality of electoral activities.
- Conduct an expert analysis of diffuse/indirect costs and integrity costs. Use maps to point to the geographical regions where insufficient funds may negatively impact on the security and legitimacy of electoral processes.
- Compare with the budgets for previous elections and cross-check against violent or non-violent outcomes. Chart differences in expenditures throughout the different electoral phases. Observe if the current budget is in real terms an improvement compared to previous election year budget(s), and in particular if the current budget compensates for previous shortfalls.
- Consider relevant experiences from past elections.

<sup>52</sup> Institute for War and Peace Reporting, 'Violence Fears Ahead of DRC Polls'.





## 2.5 Inadequate electoral security arrangements

### Introduction

Electoral security entails the protection of electoral stakeholders such as voters, candidates, poll workers, media, and observers; electoral information such as the results of the vote, registration data, and campaign material; electoral facilities such as polling stations and counting centres; and electoral events such as campaign rallies against death, damage or disruption. From a broad perspective, three kinds of electoral security can be identified:

- 1) *physical security* concerns the protection of facilities and materials;
- 2) *personal security* concerns electoral stakeholders; and
- 3) *information security* concerns the protection of the physical ballot papers and ballot boxes, computers and communication systems.

Weaknesses in electoral security, especially in conflict-prone societies and those which experience high levels of violence, will expose electoral stakeholders, information, facilities and events to violence.<sup>53</sup>

Electoral security may entail engagement and collaboration between different SSAs such as the police force, intelligence agencies, the armed forces, the special prosecutors for electoral crimes and so on. Security for women in conflict-ridden and post-conflict contexts deserves special attention.

### Empirical cases and interrelated factors

- *Bangladesh parliamentary election 2008*. During the electoral period, a total of 110 incidents of election-related violence were recorded.<sup>54</sup> The law enforcement agencies were perceived by international observers to lack an active role in preventing and limiting much of the violence which took place. The perpetrators of the violence were mainly the supporters and leaders of the opposition Bangladesh National Party (BNP).<sup>55</sup>

*Interrelated factors:* poor socio-economic conditions (*external*); environmental hazards (*external*); unequal media access and favouritism (*internal*); human rights violations (*external*).<sup>56</sup>

<sup>53</sup> United States Agency for International Development (USAID), *Electoral Security Framework: Technical Guidance Handbook for Democracy and Governance Officers* (Washington, DC: USAID, July 2010), pp. 5–6, available at <[http://www.usaid.gov/our\\_work/democracy\\_and\\_governance/publications/pdfs/1-Electoral-Security-Framework.pdf](http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/1-Electoral-Security-Framework.pdf)>, accessed 26 October 2011.

<sup>54</sup> Asia Foundation, 'Election Violence Education and Resolution: Final Report', prepared by Odhikar and IFES (16 February 2009), p. 2, available at <[http://www.ifes.org/publication/239683181b84fe2b971d8d176d5682fe/Odhikar\\_EVER\\_Rpt2009.pdf](http://www.ifes.org/publication/239683181b84fe2b971d8d176d5682fe/Odhikar_EVER_Rpt2009.pdf)>.

<sup>55</sup> Asia Foundation, 'Election Violence Education and Resolution', pp. 4, 6.

<sup>56</sup> International Crisis Group, 'Restoring Democracy in Bangladesh', Asia Report no. 151 (2008), Summary, pp. 5, 19, 28, available at <[http://www.crisisgroup.org/-/media/Files/asia/south-asia/bangladesh/151\\_restoring\\_democracy\\_in\\_bangladesh.pdf](http://www.crisisgroup.org/-/media/Files/asia/south-asia/bangladesh/151_restoring_democracy_in_bangladesh.pdf)>, accessed 26 September 2011.

- *Kenya parliamentary and presidential elections 2007*. Riots broke out across the country after the Electoral Commission of Kenya (ECK) announced the election results.<sup>57</sup> State officials failed to act on pre-existing or incoming intelligence that warned about a potential for outbreaks of violence. Moreover, the police force reacted improperly and used unjustified force against the demonstrators.<sup>58</sup>

*Interrelated factors:* gender-based discrimination and violence (*external*); presence of non-state armed actors (*external*); poor socio-economic conditions (*external*).<sup>59</sup>

### **Observable indicators**

- 1) The level of public trust in the SSAs;
- 2) the level of accountability of SSAs;
- 3) the existence of training plans for SSAs deployed to safeguard electoral processes;
- 4) the existence and quality of electoral security operational plans; and
- 5) the level of collaboration between SSAs and other electoral actors, in particular the EMB.

### **Data gathering and analysis methodology**

- Conduct periodic surveys among men and women in the population and electoral actors to measure the level of trust in SSAs. Chart data to observe changing trends. Use maps to indicate geographical areas where trust in the SSAs is low.
- Compile and evaluate the comprehensiveness and quality of electoral security training plans for security sector agencies and electoral officials at national and sub-national level. Map possible gaps.
- Conduct an expert review of the adequacy of electoral security operational plans (including resources designated). Cross-check with the EMB operational plans. Use charts to compare the level of security engagements (e.g. timing and number of security personnel involved) with the level of electoral activities (e.g. number of operating electoral facilities such as voter registration centres or polling stations, and the level of expected citizen participation in the respective events) throughout the whole electoral process. Use maps to point to regions where the level of security planning does not correspond with the dimension of electoral activity or the availability of security resources.
- Consider relevant experiences, including from a gender perspective, from past elections.

<sup>57</sup> International Crisis Group, 'Kenya in Crisis', Africa Report no. 137 (21 February 2008), p. 9, available at <[http://www.crisisgroup.org/-/media/Files/africa/horn-of-africa/kenya/137\\_kenya\\_in\\_crisis\\_web.pdf](http://www.crisisgroup.org/-/media/Files/africa/horn-of-africa/kenya/137_kenya_in_crisis_web.pdf)>, accessed 1 September 2011.

<sup>58</sup> Alston, 'Report of the UN Special Rapporteur', p. 38, accessed 1 September 2011.

<sup>59</sup> International Crisis Group, 'Kenya in Crisis', pp. 1, 5, 9, 10, 11, 17, 19.



## 3. Training and information

Training and education efforts are conventionally focused on (a) training for electoral officials on technical aspects of the preparation and implementation of electoral processes; and (b) educational campaign for registrants and voters about their rights, duties, electoral timelines, and registration and voting procedures, inter alia.

Deficiencies in the training of electoral officials, and any misunderstanding of electoral processes and wrong perceptions among political actors, the media and the general public, may raise tensions and contribute to deepening conflict and to outbreaks of violence.

### 3.1 Poor training for election officials

#### **Introduction**

One of the main pillars of professionalism in electoral administration is the proper training and development of: permanent EMB staff; temporary management staff appointed for specific electoral events; and the large number of field staff that may be temporarily engaged for large-scale events.<sup>60</sup>

Poorly trained electoral officials may lack the basic understanding and skills to conduct professional voter registration, voting and counting processes. Technical mistakes committed during voter registration may affect the accuracy of the electoral registers, thus damaging the integrity of the voting processes at the polling stations and thereby the election results.

#### **Empirical cases and interrelated factors**

- *Cambodia parliamentary elections 2013*. During an election protest rally in Phnom Penh, violence broke out between the police and protesters, resulting in one death and several injuries.<sup>61</sup> The protesters claimed that the election was flawed, citing cases of suspected tampering with election results in several provinces. Before the protest, the Constitutional Council of Cambodia reviewed complaints and ordered staff of the National Election Commission (NEC) to be sanctioned for mishandling secured ballot records. Despite this, it dismissed opposition complaints of irregularities in the national polls. The opposition protested at the court's verdict, seeing the endorsement of the election results as unacceptable in the light of the tampering with secured ballot records. NEC officials, on the other hand, blamed the irregularities on poor training and low educational levels of polling station staff.<sup>62</sup>

<sup>60</sup> International IDEA, *Electoral Management Design*, p. 157.

<sup>61</sup> Radio Free Asia, 'Deadly Post-Election Violence Erupts in Phnom Penh', 15 September 2013, available at <<http://www.rfa.org/english/news/cambodia/violence-09152013170126.html>>, accessed 5 February 2014.

<sup>62</sup> Radio Free Asia, 'Top Cambodian Court Wants Election Staff Punished for Ballot Foul-Up', 5 September 2013, available at <<http://www.rfa.org/english/news/cambodia/ballot-09052013223949.html>>, accessed 5 February 2014.

*Interrelated factors:* problematic voter registration (*internal*); poor management of the final round of electoral appeals (*internal*); rejection of the election results (*internal*); provocative and violent actions by political parties (*internal*).<sup>63</sup>

### **Observable indicators**

- 1) The existence and the comprehensiveness of operational plans for the training of electoral officials;
- 2) the existence and quality of training materials;
- 3) the existence of sufficient numbers of training personnel;
- 4) the level of skills of training providers;
- 5) the degree to which the national training programme has been completed; and
- 6) the level of understanding and skills obtained from the training.

### **Data gathering and analysis methodology**

- Compile training plans for electoral officials. Use maps to indicate regions which lack adequate plans. Assess the extent to which men and women are represented in the training.
- Conduct an expert review of the training methodology and curriculum. Map regions where the training methodology and curriculum may need to be reassessed in order to overcome language and other barriers. Canvass the extent to which skills are maintained and institutionalized within EMBs.
- Follow up on the pace and the outreach of training efforts. Chart levels/percentages of training implementation. Map regions where training is not meeting deadlines.
- Survey/quiz trained electoral officials. Chart particular topics where trained personnel show lack of understanding. Map regions where training should be repeated.

<sup>63</sup> Radio Free Asia, 'Top Cambodian Court Wants Election Staff Punished for Ballot Foul-Up', 5 September 2013; and Radio Free Asia, 'Deadly Post-Election Violence Erupts in Phnom Penh', 15 September 2013.



## 3.2 Lack of training for political parties and media

### Introduction

Elections are high-stake processes for political parties which compete for popular support and political power. During all phases of an electoral process, the role of the media in facilitating information sharing, in profiling both women and men as candidates, and in discussions on electoral issues is essential.

If politicians and journalists lack basic understanding about the technical aspects of electoral processes—including various procedures, and decision-making and EDR mechanisms—their actions may raise tensions and lead to outbreaks of violence. The media have a responsibility to report rather than make news, and when this is ignored this can also exacerbate tensions and even cause violence.

### Empirical cases and interrelated factors

- *Guyana parliamentary election 2001.* Throughout the election period journalists did not feel obliged to investigate rumours spread by political supporters during TV and radio talk shows. During one such broadcast it was suggested that people should invade the homes of party officials: words such as ‘bloodbath’ were mentioned. Following election day, many Guyanese stated that the talk shows provided a platform for hate speech and a *raison d’être* for the gathering of mobs. Furthermore, it was argued that the talk shows raised fear and tensions during the election period.<sup>64</sup> A talk-show host was arrested twice before election day when he led a crowd near the Election Commissioner’s house.<sup>65</sup>

*Interrelated factors:* unequal media access and favouritism (*internal*); social and political exclusion (*external*);<sup>66</sup> problematic voter registration (*internal*).<sup>67</sup>

### Observable indicators

- 1) The existence of electoral processes-related training programmes for political parties and media which integrate gender issues;
- 2) the level of implementation of training programmes for political parties and media; and

<sup>64</sup> Commonwealth Secretariat, ‘Guyana General and Regional Elections 19 March 2001: Report of the Commonwealth Observer Group’ (2001), p. 23, available via the ACE Electoral Knowledge Network website at <<http://aceproject.org/regions-en/countries-and-territories/GY/reports/guyana-general-and-regional-elections-2001-report/view>>, accessed 5 September 2011.

<sup>65</sup> Organization of American States, ‘Report on the Electoral Observation Mission to Guyana 2001’, pp. 2, 18, 19, accessed 30 September 2011.

<sup>66</sup> Organization of American States, ‘Report on the Electoral Observation Mission to Guyana 2001’, pp. 2, 18, 19, accessed 30 September 2011.

<sup>67</sup> Organization of American States, ‘Report on the Electoral Observation Mission to Guyana 2001’, pp. 2, 18, 19, accessed 30 September 2011.

- 3) the level of understanding about different aspects of electoral processes, including codes of conduct regulating the behaviour of politicians and journalists, decision making, dispute resolution mechanisms and gender issues among political parties and the media.

### ***Data gathering and analysis methodology***

- Review training plans for political parties and media. Use maps to identify regions where such training is insufficient or does not take place.
- Conduct an expert review of the training methodology and curriculum. Map regions where the training methodology and curriculum may need to be reassessed to overcome language and other barriers.
- Follow up on the pace and outreach of training efforts. Chart levels/percentages of training implementation. Point to political parties and media stakeholders which did not receive training. Generate maps that indicate the number of politicians and journalists trained.
- Survey relevant political party and media stakeholders relating to their understanding of electoral processes and media ethics. Chart particular topics for which lack of understanding is demonstrated. Map regions where training should be repeated or reformulated.
- Consider relevant experiences, including from a gender perspective, from past elections.



### 3.3 Lack of training of security sector agencies

#### Introduction

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, has argued that one of the most frequent types of electoral violence is that engaged in by state agents against demonstrators in election-related public gatherings or protests.<sup>68</sup> Apart from violent acts perpetrated by politically biased police, most of the abuses occur because police officers are not aware of their responsibilities in the electoral process or of the electoral legislation and the other laws involved in the process, such as the regulations concerning the right of assembly and public demonstrations. With regard to the violent policing of demonstrations, Philip Alston has pointed out that, in many cases, violence has occurred because ‘the police lacked the appropriate use of force guidelines, training, experience and equipment to control the crowd lawfully and appropriately’.<sup>69</sup>

#### Empirical cases and interrelated factors

- *Nepal parliamentary election 2008*. The Nepalese police force deployed over 100,000 security personnel<sup>70</sup> during the electoral period. However, reports warned about a lack of training of the police in coping with electoral violence.<sup>71</sup> During the pre-election protests an incident took place in which the police started to shoot at the protesters, resulting in one death.<sup>72</sup> The protesters demonstrated against the killing of the political candidate Rishi Prasad Sharma, a communist candidate.<sup>73</sup>

*Interrelated factors*: presence of non-state armed actors (*external*).<sup>74</sup>

#### Observable indicators

- 1) The existence of electoral processes-related training programmes for law enforcement officials that integrate gender awareness training;
- 2) the level of implementation of training programmes for both male and female law enforcement officials; and
- 3) the level of law enforcement officials’ understanding of different aspects of electoral processes, including electoral procedures, electoral campaigning methodologies, rights and dispute resolution mechanisms.

<sup>68</sup> Alston, ‘Report of the UN Special Rapporteur’, p. 15, accessed 25 October 2011.

<sup>69</sup> Alston, ‘Report of the UN Special Rapporteur’, p. 16.

<sup>70</sup> International Crisis Group, ‘Nepal’s Election and Beyond’, Asia Report no. 149 (2 April 2008), p. 11, available at <[http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/149\\_nepal\\_s\\_election\\_and\\_beyond.ashx](http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/149_nepal_s_election_and_beyond.ashx)>.

<sup>71</sup> International Crisis Group, ‘Nepal’s Election and Beyond’, p. 12.

<sup>72</sup> CNN, ‘Pre-election Violence Flares in Nepal, 7 Dead’, 9 April 2008, available at <[http://articles.cnn.com/2008-04-09/world/nepal.dead\\_1\\_rishi-prasad-sharma-601-member-constituent-assembly-king-gyanendra?\\_s=PM:WORLD](http://articles.cnn.com/2008-04-09/world/nepal.dead_1_rishi-prasad-sharma-601-member-constituent-assembly-king-gyanendra?_s=PM:WORLD)>.

<sup>73</sup> CNN, ‘Pre-election Violence Flares in Nepal, 7 Dead’.

<sup>74</sup> International Crisis Group, ‘Nepal’s Election: A Peaceful Revolution?’, Asia Report no. 155 (2008), pp. 10, 11, available at <[http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/155\\_nepal\\_s\\_elections\\_\\_\\_a\\_peaceful\\_revolution.pdf](http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/155_nepal_s_elections___a_peaceful_revolution.pdf)>, accessed 26 September 2011.

## ***Data gathering and analysis methodology***

- Fact finding about specialized electoral training programmes for security sector personnel and the scope of the training (geographical and hierarchical). Use charts to compare level and completion of training through different regions. Use maps to show regions where the process of training is not adequate.
- Fact finding or joint events involving information sharing, discussion and consultations between SSAs and other actors in electoral processes. Use maps to show regions where a lack of information sharing is noticed.
- Survey relevant law enforcement agencies and officials for their understanding of electoral processes and their role. Chart particular topics in which relevant officials demonstrated lack of understanding. Map regions where training should be repeated.
- Consider relevant experiences, including from a gender perspective, from past elections.





## **3.4 A poor voter information campaign**

### **Introduction**

A voter information campaign is an effort organized by the relevant EMB to provide the basic information enabling citizens to participate in elections as candidates and as voters. Such information often includes eligibility requirements and timelines, locations and procedures for registration and voting.

Voter information campaigns may be unclear or badly timed and fail to reach all citizens, especially marginalized groups such as women and the elderly (men and women) in rural areas. In most societies of the world, the unequal distribution of power between women and men disadvantages women's access to information. As a consequence, voters may lack clarity about the eligibility criteria for voter registration, the identification documents required, the designated voting location, the voting procedure and so on. Poorly informed citizens may slow down or disrupt electoral processes, also unnecessarily overburdening EDR mechanisms.

### **Observable indicators**

- 1) The appropriateness of the timing of a voter information campaign;
- 2) the geographical scope of the voter information campaign;
- 3) the level of diversity of voter information media and
- 4) the quality and social sensitivity of the voter information campaign.

### **Data gathering and analysis methodology**

- Assess the timelines for voter information and education. Chart timelines of different electoral activities, and observe overlaps and the extent to which the design of the voter information campaign meets the objectives.
- Analyse the geographical coverage of the voter information campaign and its capacity to reach all social groups of people. Take into account sex, age, ethnic, language and religious groups. Consider voters with special needs, such as the disabled. Map the coverage of all media used to convey information. Identify geographical areas and/or groups which remain out of reach or who are excluded from the campaign.
- Conduct surveys among recipient and excluded groups measuring the effects of the voter information campaign (level of understanding of campaign messages among citizens). Chart the extent to which information has reached and been understood by different social groups. Map the reach and understanding across different geographical regions.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 4. Registration

Electoral processes encompass three types of registration:

1. voter registration—the process of verification of a citizen's eligibility to vote;
2. the registration of political parties and candidates—verification of the eligibility of political parties and candidates to stand for election; and
3. observers' accreditation—a procedure designed to grant different actors access to observe relevant electoral activities.

All three may have an impact on the credibility and integrity of electoral processes and as such represent potential factors contributing to election-related tensions and violence.

### 4.1 Problematic voter registration

#### **Introduction**

Voter registration establishes the eligibility of individuals to cast their ballot on election day. As a general rule, eligibility to vote is a precondition for the registration of candidates.

Voter registration is a technically complex and sensitive process. Voters with multiple registrations, electoral registers which contain the names of deceased or non-existent people, rejected voter registration, inaccurate assignment of a voter to the proper polling station and other factors may have potential to influence electoral outcomes. All political actors competing in elections will therefore be very concerned with the quality of voter registration. Manipulation of voter registration, or perceptions that this has happened, may trigger or contribute to triggering election-related violence.

#### **Empirical cases and interrelated factors**

- *Ghana presidential and legislative elections 2008*. During the period of registration of voters there were major irregularities which resulted in violence. In northern Ghana, the two main political parties, the incumbent New Patriotic Party (NPP) and the opposition National Democratic Congress (NDC), vandalized several voter registration centres. Furthermore a journalist covering the registration process was attacked by the NPP and the NDC while reporting on under-age voter registration. The illegal registration of minors was of great concern, according to domestic observers.<sup>75</sup>

<sup>75</sup> IRIN Africa, 'Ghana: Pre-election Violence and Irregularities Worry Watchdogs', Humanitarian News and Analysis (7 August 2008), available at <<http://www.irinnews.org/report.aspx?reportid=79703>>, accessed 2 September 2011.

*Interrelated factors:* poor voter information campaign (*internal*); inadequate funding, financing and budgeting (*internal*); provocative use of media by political parties (*internal*).<sup>76</sup>

### **Observable indicators**

- 1) The level of quality of performance of the voter registration centres;
- 2) citizens' turnout (data disaggregated by sex);
- 3) the level of reliability and performance of voter registration technology;
- 4) the number of successful registrants versus the number of rejected registrations;
- 5) the appropriateness and the level of actors' understanding of complaint procedures;
- 6) the existence of a period for the scrutiny of provisional electoral registers;
- 7) the number of complaints from both men and women related to the voter registration process; and
- 8) the places and a number of violent incidents relating to voter registration processes.

### **Data gathering and analysis methodology**

- Conduct periodic surveys with political parties, civil society organizations and citizens regarding their perceptions about the quality of the ongoing registration process. Obtain their views with respect to the extent to which quality of registration can/will predetermine electoral outcomes. Chart feedback to observe level of risks and changing attitudes. Show level of confidence among different political options, civil society organizations and citizens. Map areas where voter registration is perceived as problematic.
- Check the availability of provisional voter registers and the efficiency of complaint procedures. Map areas where provisional voter registers are not made available.
- Review voter registration logs, records of registration-related appeals at the relevant appeal bodies and the dynamics of case resolution. Chart the number of complaints by region. Create maps indicating number of complaints per region. Colour code maps accordingly.
- Collect data on incidents involving increased tensions and violence relating to registration processes. Colour code risk regions accordingly. Place static markers at the location where incidents took place. Map number of incidents per region.
- Consider relevant experiences, including from a gender perspective, from past elections.

<sup>76</sup> European Union Election Observation Mission, 'Presidential and Parliamentary Elections 2008', February 2009, pp. 12, 13, 14, 19, available at <[http://www.eueomghana.org/EN/PDF/Final\\_report/EU\\_EOM\\_Final\\_Report\\_Ghana.pdf](http://www.eueomghana.org/EN/PDF/Final_report/EU_EOM_Final_Report_Ghana.pdf)>, accessed 9 November 2011.

## 4.2 Problematic registration of political parties and candidates

### Introduction

Political parties exist outside the electoral context but compete in elections. They usually require registration with the body in charge of conducting elections. Basic registration requirements may include providing information on party identity, programme documents, evidence of popular support, geographic coverage, financial viability and so on. Basic registration requirements for political party candidates may include proof of eligibility to vote in a given electoral district and additional information, such as financial statements and so on.

However, registration requirements can be used as an instrument to exclude groups or individuals from the electoral competition and participation in power sharing. Exclusion from electoral processes through the denial of registration can give incentives to excluded groups to turn to violent means in pursuing their political interests. In many situations, psychological and physical violence is used to prevent candidates standing for elections.

### Empirical cases and interrelated factors

- *Turkey parliamentary election 2011.* In December 2009 the Constitutional Court decided to ban the Democratic Society Party (DTP), a pro-Kurdish party.<sup>77</sup> The Court alleged that the DTP were connected with the terrorist-affiliated Kurdistan Workers' Party (PKK). The DTP's supporters, mainly of Kurdish origin, perceived the banning of the DTP as a further step in the Turkish government's repression of the Kurdish minority. This led to demonstrations against the government, mainly in the south-east region of Turkey which is predominately inhabited by a Kurdish population. There were reports of stone-throwing demonstrators clashing with riot police.<sup>78</sup>

*Interrelated factors:* social and political exclusion (*external*);<sup>79</sup> presence of non-state armed actors (*external*);<sup>80</sup> gender-based discrimination and violence (*external*);<sup>81</sup> human rights violations (*external*).<sup>82</sup>

<sup>77</sup> European Commission, 'Turkey 2010 Progress Report', COM(2010)660, 9 November 2010, pp. 7, 21, available at <[http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/tr\\_rapport\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf)>.

<sup>78</sup> CNN, '2 Demonstrators Killed in Clash', 15 December 2009, available at <<http://edition.cnn.com/2009/WORLD/europe/12/15/turkey.kurds/index.html?iref=allsearch>>.

<sup>79</sup> Human Rights Watch, 'Turkey: Kurdish Party Members' Trial Violates Rights', 18 April 2011, available at <<http://www.hrw.org/news/2011/04/18/turkey-kurdish-party-members-trial-violates-rights>>, accessed 28 September 2011.

<sup>80</sup> Human Rights Watch, 'In Turkey, He Loves You, He Beats You', 15 June 2011, available at <<http://www.hrw.org/news/2011/06/15/turkey-he-loves-you-he-beats-you>>, accessed 28 September 2011.

<sup>81</sup> Human Rights Watch, 'In Turkey, He Loves You, He Beats You'.

<sup>82</sup> Human Rights Watch, 'Ignoring Rights in Turkey, and Its Cost to Everyone', 21 November 2010, available at <<http://www.hrw.org/news/2010/11/21/ignoring-rights-turkey-and-its-cost-everyone>>, accessed 28 September 2011.



- *Russia parliamentary election 2011.* The liberal Party of People's Freedom (PARNAS) was refused party registration before the upcoming parliamentary elections. Its members and supporters were intimidated and pressured by government authorities to resign from their posts or to take their names off the party list.<sup>83</sup> Other members were interrogated by police or security officers as to why they had joined the party and whether they understood that membership could lead to redundancy and/or the denial of university opportunities for their children.<sup>84</sup>

*Interrelated factors:* human rights violations (*external*); presence of non-state armed actors (*external*);<sup>85</sup> gender-based discrimination and violence (*external*).<sup>86</sup>

- *Philippines legislative and presidential election 2010.* The election campaign was marred by violence. On one day alone a group of 57 people, including relatives of local politicians, lawyers and journalists, were abducted by armed men belonging to the private army of a warlord with close ties to the incumbent President, Gloria Macapagal-Arroyo (Lakas-Kampi-CMD), and later found dead.<sup>87</sup> The group, mainly women, were heading towards an election office to declare and file a candidacy for the Deputy Mayor of the town of Buluan before they were abducted and killed.<sup>88</sup>

*Interrelated factors:* presence of non-state armed actors (*external*);<sup>89</sup> human rights violations (*external*).<sup>90</sup>

## Observable indicators

- 1) The level of difficulty or ease associated with meeting the requirements for party and candidate registration:
  - a. legal (prior registration of political organization, candidate registration, country of birth, signed statements and so on);
  - b. financial (registration deposits, fees, financial declarations and so on);

<sup>83</sup> CNN, 'Russia Refuses to Register Liberal Party; U.S. "Disappointed"', 22 June 2011, available at <[http://edition.cnn.com/2011/WORLD/europe/06/22/russia.party.elections/index.html?eref=edition\\_europe&utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+rss%2Fedition\\_europe+%28RSS%3A+Europe%29](http://edition.cnn.com/2011/WORLD/europe/06/22/russia.party.elections/index.html?eref=edition_europe&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_europe+%28RSS%3A+Europe%29)>, accessed 7 September 2011.

<sup>84</sup> MSNBC, 'New Russian Opposition Party Barred From Election', 22 June 2011, available at <[http://www.msnbc.msn.com/id/43491101/ns/world\\_news-europe/](http://www.msnbc.msn.com/id/43491101/ns/world_news-europe/)>, accessed 7 September 2011.

<sup>85</sup> Human Rights Watch, 'Caucasian Prisoners (or How Not to Deal with Militancy in Dagestan)', 2 March 2011, available at <<http://www.hrw.org/news/2011/03/02/caucasian-prisoners-or-how-not-deal-militancy-dagestan>>, accessed 7 November 2011.

<sup>86</sup> Human Rights Watch, 'Russia: Chechnya Enforcing Islamic Dress Code', 10 March 2011, available at <<http://www.hrw.org/news/2011/03/10/russia-chechnya-enforcing-islamic-dress-code>>, accessed 7 November 2011.

<sup>87</sup> International Crisis Group, 'The Philippines: After the Maguindanao Massacre', Asia Briefing no. 98 (21 December 2009), p. 1, available at <<http://www.crisisgroup.org/-/media/Files/asia/south-east-asia/philippines/b98%20The%20Philippines%20After%20the%20Maguindanao%20Massacre.ashx>>.

<sup>88</sup> '21 Reported Dead and 22 Missing in Mass Kidnapping Linked to Philippine Election', *New York Times*, 23 November 2009, available at <<http://www.nytimes.com/2009/11/24/world/asia/24phils.html>>; and International Crisis Group, 'The Philippines: After the Maguindanao Massacre', p. 1.

<sup>89</sup> International Crisis Group, 'Philippines: Pre-Election Tensions in Central Mindanao', Update Briefing, Asia Briefing no. 103 (Jakarta/Brussels, 4 May 2010), available at <<http://www.crisisgroup.org/-/media/Files/asia/south-east-asia/philippines/B103%20Philippines%20-%20Pre-election%20Tensions%20in%20Central%20Mindanao.pdf>>, pp. 1, 3, 5, accessed 29 September 2011.

<sup>90</sup> Human Rights Watch, 'Philippines: More Talk Than Actions on Human Rights', 25 January 2011, available at <<http://www.hrw.org/news/2011/01/25/philippines-more-talk-action-human-rights>>, accessed 7 November 2011.

- c. logistical (timelines, location where registration can be done and so on); and
- d. gender (inclusion of candidates of opposite sex in the candidacy lists);
- 2) the geographical and social representativeness and inclusiveness of political parties;
- 3) the number of incidents involving physical and psychological violence against prospective party candidates, disaggregated by sex, during primaries and the registration period;
- 4) the number of successful party registrations/number of rejected registrations;
- 5) the number of small parties (e.g. satellite or briefcase parties) in coalition with the ruling party (or main opposition party) that dilute the electoral landscape and erode the opponents' potential; and
- 6) the number of complaints, received and processed, related to party and candidate registration.

### ***Data gathering and analysis methodology***

- Conduct an expert overview of the legal framework for registration of political parties and candidates and analyse its impact. Map particular regions where party registration requirements may disqualify particular political, socio-economic or geographic groups such as women and young people from political competitions.
- Review party and candidates registration logs, records of registration-related appeals and the dynamics of case resolution. Chart the number of internal political party complaints submitted by candidates and show by geographical region. Also chart the number of complaints between parties and their registration systems and show by geographical region. Use maps to point to areas where political parties have been denied registration.
- Gather data on violent incidents during primaries and throughout the registration period. Colour code risk regions accordingly. Place static markers at the locations where incidents took place. Map number of incidents per region.
- Consider relevant experiences, including from a gender perspective, from past elections.



## 4.3 Problematic accreditation of domestic and international observers

### Introduction

Domestic and international observers often confer legitimacy of an election and might be safeguard against electoral fraud. It is very common that the public places a great deal of trust in their findings.

However, authoritarian regimes will tend to limit international observers' presence and deny registration to domestic observation groups. In the case of domestic observation, regimes may also resort to intimidation in an effort to influence their reporting. Problematic accreditation can be perceived as a part of preparations to rig the electoral results, which may contribute to increased tensions, rejection of the electoral results and/or outbreaks of violence.<sup>91</sup>

### Empirical cases and interrelated factors

- *Nicaragua municipal elections 2008*. The Organization of American States (OAS), the European Union (EU) and the Carter Center were all denied accreditation to monitor the Nicaragua municipal elections. Furthermore, domestic observers such as Ethics and Transparency were also denied access to polling stations. Following the announcement of the result, supporters and opponents of the left-wing Sandinista party accused each other of electoral fraud (during the balloting and counting processes). This ended in a violent clash causing eight casualties, including two fatalities. The incumbent government came in for international criticism after not letting international observers monitor the balloting and counting processes. However, the party of the incumbent President Daniel Ortega, which won a majority of the votes, dismissed the criticism and argued that the observers were denied access as they were financed by outside powers.<sup>92</sup>

*Interrelated factors:* gender-based discrimination and violence (*external*).<sup>93</sup>

### Observable indicators

- 1) The level of difficulty associated with accreditation of domestic and international observers;
- 2) the number of accreditations rejected and potential geographical focuses (data disaggregated by sex);

<sup>91</sup> See 'Monitors of Election Integrity', available on the ACE Electoral Knowledge Network website at <<http://aceproject.org/ace-en/topics/ei/eid?toc>>.

<sup>92</sup> 'Election Fraud in Nicaragua', *Wall Street Journal*, 24 November 2008, available at <<http://online.wsj.com/article/SB122748875503551983.html>>, accessed 7 September 2011; and BBC News, 'Nicaragua Election Clash Deaths', 11 November 2008, available at <<http://news.bbc.co.uk/2/hi/7721253.stm>>, accessed 7 September 2011.

<sup>93</sup> Human Rights Watch, 'Nicaragua: Penal Reform Constitutes an Assault on Human Rights' (2006), available at <<http://www.hrw.org/news/2006/10/25/nicaragua-penal-reform-constitutes-assault-human-rights>>, accessed 7 September 2011.

- 3) the number of complaints related to rejected observations; and
- 4) the number of incidents of intimidation reported by observers.

### ***Data gathering and analysis methodology***

- Conduct an expert overview of the legal framework for accreditation of domestic and international observers.
- Identify groups and organizations that are denied access to observation. If geographically specific, show on a map. Whenever possible, show the data disaggregated by sex.
- Conduct interviews with national and international observation organizations in relation to their views about the accreditation process. Obtain numbers of deployed observers, events observed and geographical coverage. Use maps to point to the areas of observers' deployment. Identify potential gaps.
- Survey citizens' in relation to the level of trust in different electoral observation groups. Chart level of popular trust. Generate geographical maps to present data.
- Review past or real-time reports and materials published by international and domestic observers in relation to intimidation. If geographic region-specific, use maps to point to the region(s) and specific locations where the observers were intimidated.
- Consider relevant experiences, including from a gender perspective, from past elections.





## 5. Electoral campaigning

Political parties use the electoral campaign period to promote their political programmes and confront the political views of other political actors. Campaigning allows citizens to get a better understanding of the different political options and to decide who to vote for. During the campaign period, political parties will use different strategies to reach voters and seek their support. They will organize political rallies and parades, and display promotional materials and media advertisements to increase their profile and visibility. Media appearances are particularly important as it is well established that media debates are important vehicles for winning popular support.

Nevertheless, unequal media access—especially as between women and men and between ruling and opposition political parties—provocative media messages and appearances, and aggressive campaigning and actions have led to outbreaks of election-related violence, including gender-based violence, in many different contexts.

### 5.1 Unequal media access and favouritism

#### **Introduction**

Political parties use different media during the electoral campaign period to send out their messages and appeal for popular support. Although the role and importance of web-based social media have dramatically increased in recent years, the traditional media, such as radio, TV and the print media, during the campaign period are most important in most country contexts.

Favouritism on the part of the state-owned media towards the incumbent candidates and parties—in terms of biased reporting, gender discrimination in the coverage and reporting, media coverage time, discrimination against political opponents, unethical reporting and so on—is often a factor in raising tensions. Private media may adopt the same practices to champion their favourite candidates and become political agitators instead of campaign facilitators. Such a scenario can increase tensions and fuel election-related violence directed against political opponents and journalists.

#### **Empirical cases and interrelated factors**

- *Cambodian parliamentary election 2008.* The majority of the media networks were biased towards the Cambodia People's Party (CPP) during the elections, thereby directly violating the Cambodian election campaign rules. In addition, a journalist working for *Moneaksekar Khmer*, an opposition newspaper affiliated with the Sam Rainsy Party (SRP), was murdered in Phnom Penh along with his son approximately two weeks before election day. The journalist was well known for his critical articles on governmental corruption. The fact that no one was arrested for the murders

was intended as a warning to other journalists and opposition members that the government would act with impunity in dealing with criticism.<sup>94</sup>

*Interrelated factors:* problematic voter registration (*internal*); poor voter information campaign (*internal*);<sup>95</sup> problematic election day operations (*internal*); poor management of the final round of electoral appeals (*internal*); the presence of non-state armed actors (*external*); poor voter information campaign (*internal*); poor management of election results (*internal*).<sup>96</sup>

### **Observable indicators**

- 1) The existence and the quality of provisions of the code of conduct for the media during electoral campaigning, both state and privately owned;
- 2) the operationalization of the provisions of the code of conduct for media;
- 3) the existence of mechanisms which ensure equal media access to political parties during the campaign period;
- 4) the level of gender sensitivity of media reporting and coverage;
- 5) the level of equality in terms of time allocated and the impartiality of reporting; and
- 6) the number of complaints received by electoral dispute resolution bodies relating to unequal media access and favouritism.

<sup>94</sup> United Nations Educational, Scientific and Cultural Organization (Unesco), 'Cambodia: Media Bias Delegitimizes Election, Says Human Rights Watch', 4 August 2008, available at <<http://www.unescobkk.org/education/efa/efanews/news-details/article/cambodia-media-bias-delegitimises-election-says-human-rights-watch/>>, accessed 23 September 2011.

<sup>95</sup> European Union Electoral Observation Mission Cambodia, Preliminary Statement, 'Cambodian Elections 2008 Shows Some Progress but Still Falls Short of Key International Standards', Phnom Penh, 29 July 2008, p. 1, available at <[http://www.eueomcambodia.org/English/PDF/preliminary/EU%20EOM%20Preliminary%20Statement%2029%20July\\_eng.pdf](http://www.eueomcambodia.org/English/PDF/preliminary/EU%20EOM%20Preliminary%20Statement%2029%20July_eng.pdf)>, accessed 7 November 2011.

<sup>96</sup> COMFREL, '2008 National Assembly Elections', [2008], pp. 10, 27, 37, 43, 44, available at <<http://aceproject.org/ero-en/regions/asia/KH/Cambodia-Final-Assessment-and-Report-on-the-2008-1/view>>, accessed 8 November 2011.



## **Data gathering and analysis methodology**

- Identify all existing bodies and methodologies for monitoring of the media, including from a gender perspective. Map geographical coverage. Identify potential gaps.
- Identify the relevant legal framework which regulates broader media conduct, and specific documents or provisions that regulate media access during the campaign period. Observe its implementation directly or in partnership with existing media monitoring bodies or organizations. Chart violations of relevant accessibility rules across time. Generate maps to indicate regions where violations occur more frequently and the media involved.
- Review official complaints relating to equal access to the media not just across political parties but as between women and men during the electoral campaign. Chart the number of complaints relating to individual media. Map the geographical spread of complaints and identify whether they are made by particular political and socio-demographic/minority groups.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 5.2 Provocative use of media by political parties

### Introduction

Media campaigning traditionally provides a unique space for different political options to confront the political views of their opponents. In all contexts, including well-established and transitional democracies, political debates facilitated by the media have been essential in informing voters of policy options and winning voters' support.

Although it is envisaged as a platform for issues-based presentation and confrontation of political arguments, media campaigning often turns into a campaign of derogation and hate speeches. In many societies insults towards women in politics tend to focus on undermining their capacity as leaders as opposed to men, who are assumed to be born leaders. Political parties sometimes abuse campaign opportunities and access to the media to disseminate false statements, and create imaginary threats and a feeling of insecurity in order to mobilize support. Such campaigning has often seen violent outcomes.

### Empirical cases and interrelated factors

- *Democratic Republic of Congo (DRC) presidential and legislative elections 2006.* During the electoral campaign period a number of incidents of hate speeches were reported.<sup>97</sup> Two rival political leaders—the incumbent President Joseph Kabila, from the Parti du Peuple pour la Reconstruction et le Développement (PPRD), and Vice-President Jean-Pierre Bemba from the Movement of the Liberation of Congo (MLC)—engaged in hate speech campaigns which had ethnic dimensions. For example, Bemba's campaign slogan was '100 percent Congolese', which indicated that Kabila was of foreign descent, probably Tanzanian or Rwandan. Bemba's own television channel also showed images of atrocities allegedly committed by Kabila during the 1963–2008 civil war. The media announcements also encouraged people to attack the head of the election commission. This rhetoric had severe consequences and triggered electoral violence during a political party rally in Kinshasa, where Bemba supporters killed six people, several of them police officers. The Kabila camp used this to their advantage by showing images of the dead police officers on PPRD-affiliated television with the aim of bringing the MLC into contempt.<sup>98</sup>

<sup>97</sup> International Crisis Group, 'Securing Congo's Elections: Lessons from the Kinshasa Showdown', Asia Briefing no. 42 (2 October 2006), p. 5, available at <<http://www.crisisgroup.org/-/media/Files/africa/central-africa/dr-congo/B042%20Securing%20Congos%20Elections%20Lessons%20from%20the%20Kinshasa%20Showdown.pdf>>.

<sup>98</sup> International Crisis Group, 'Securing Congo's Elections', p. 5. For more information on the DRC and hate speeches see Vollhardt, Johanna et al., 'Deconstructing Hate Speech in the DRC: A Psychological Media Sensitization Campaign', *Journal of Hate Studies*, 17 May 2007, available at <<http://guweb2.gonzaga.edu/againsthate/journal5/GHS105.pdf>>.



*Interrelated factors:* presence of non-state armed actors (*external*); human rights violations (*external*);<sup>99</sup> problematic voter registration (*internal*); problematic ballot counting and result tallying (*internal*).<sup>100</sup>

### **Observable indicators**

- 1) The extent (geographical and frequency) of provocative media campaigning;
- 2) the type of media where provocative campaigning is recorded;
- 3) the type of ownership of media where provocative campaigning is recorded;
- 4) the political actors involved in provocative media campaigning; and
- 5) the content of provocative messages, including gender stereotypes and sexist messages.

### **Data gathering and analysis methodology**

- Conduct extensive media monitoring or establish cooperation with media monitoring agencies and organizations to obtain data about provocative media campaigning by political parties. Use charts and maps to observe trends and point to the geographical dimension of provocative campaigning.
- Distinguish between actors engaged in provocative campaigning in terms of their political affiliation, place in the party hierarchy, gender and geographical influence. Use maps and charts to present data.
- Assess the seriousness of incidents and distinguish in terms of their capacity to increase the risks of election-related violence. Use charts to observe risk trends and maps to point to the most critical geographical regions.
- Review the record of official appeals relating to inappropriate media campaigning by political parties. Examine the efficiency and appropriateness of responses. Chart and map the data.
- Consider relevant experiences, including from a gender perspective, from past elections.

<sup>99</sup> International Crisis Group, 'Congo's Elections: Making or Breaking the Peace', Africa Report no. 108 (27 April 2006), p. 7, available at <<http://www.crisisgroup.org/-/media/Files/africa/central-africa/dr-congo/Congos%20Elections%20Making%20or%20Breaking%20the%20Peace.pdf>>, accessed 28 September 2011.

<sup>100</sup> International Crisis Group, 'Securing Congo's Elections', pp. 6, 7, accessed 8 November 2011.

## 5.3 Provocative party rallying

### Introduction

Political parties organize rallies during the electoral campaign period to reinforce links between the political leadership, the party activists and the party supporters. Electoral rallies are also demonstrations of strength, unity and power.

In conflict-prone societies where political divides often correspond with social divides and gender discrimination, election rallies may represent high-risk events. The disposition of the crowd, inflammatory rhetoric and hate speeches can inspire violent action, whether it was the organizers' intention or not. Additionally, actions taken to limit, obstruct or prevent competitors from holding political rallies may trigger violent reactions.

### Empirical cases and interrelated factors

- *Azerbaijan presidential election 2003.* During the election campaign period international observers recorded cases of opposition candidates being denied venues for rallies by the local authorities. The local authorities in the capital, Baku, refused a popular opposition party leader, Isa Gambar of the Musavat party, permission to hold a rally in a cinema. Hundreds of supporters gathered outside the cinema to demonstrate against this decision, de facto showing their support for the candidate. The police used violence to disperse the demonstrations and injured dozens of people, including journalists and civilians.<sup>101</sup>

*Interrelated factors:* poor socio-economic conditions (*external*); problematic accreditation of domestic observers (*internal*);<sup>102</sup> human rights violation (*external*).<sup>103</sup>

- *Nepal parliamentary election 2008.* In the Tarai region the Nepali Congress held mass meetings which were interrupted by the Madhesi political parties by threats of violence and bombings.<sup>104</sup>

*Interrelated factors:* presence of non-state armed actors (*external*).<sup>105</sup>

### Observable indicators

- 1) The scope of political party rallying (parties, events, locations, frequency);
- 2) the number of prohibitions of party rallies by the relevant authorities;

<sup>101</sup> Human Rights Watch, 'Crushing Dissent', 22 January 2004, p. 12, available at <<http://www.hrw.org/en/node/12183/section/6>>.

<sup>102</sup> Human Rights Watch, 'Azerbaijan: Presidential Elections 2003', Briefing Paper, 13 October 2003, pp. 4, 17, available at <<http://www.hrw.org/legacy/background/eca/azerbaijan/azerbaijan-elections2003.pdf>>, accessed 8 November 2011.

<sup>103</sup> Human Rights Watch, 'Azerbaijan: A Stolen Election and Oil Stability', 20 October 2003, available at <<http://www.hrw.org/news/2003/10/19/azerbaijan-stolen-election-and-oil-stability>>, accessed 8 November 2011.

<sup>104</sup> Carter Center, 'Observing the 2008 Nepal Constituent Assembly Election', April 2008, pp. 35–6, available at <[http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportNepal2008.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf)>.

<sup>105</sup> International Crisis Group, 'Nepal's Election: A Peaceful Revolution?', Asia Report no. 155 (2008), pp. 10, 11, available at <[http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/155\\_nepal\\_s\\_elections\\_\\_\\_a\\_peaceful\\_revolution.pdf](http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/155_nepal_s_elections___a_peaceful_revolution.pdf)>, accessed 26 September 2011.



- 3) the effectiveness of security arrangements put in place to prevent campaign-related violence;
- 4) the extent of use of inflammatory language, gender stereotyping and hate speech;
- 5) the number of violent incidents or clashes following political rallies;
- 6) the political options involved; and
- 7) the number of victims (data disaggregated by sex).

### ***Data gathering and analysis methodology***

- Collect data about planned and scheduled political party rallies from the authorities responsible for approving them at different levels. Cross-check with the data from the respective political actors. Use charts to show the dynamics of events throughout the campaign period. Use maps to mark geographical locations where political rallies take place. Identify high-risk events. Use different sizes for markers in order to distinguish the size and scope of the various events.
- Obtain information on and analyse the security sector arrangements surrounding political party rallying. Assess whether the size of the security deployment corresponds with the size of event and whether it sufficiently reflects the risks associated with the event. Use maps to mark the size of security deployment and cross-check with the maps showing the size and risks of political rallies.
- Monitor or liaise with monitoring networks to obtain records of inflammatory rhetoric, gender stereotyping and hate speeches at party rallies.
- Record incidents linked with the political party campaigning, during or after party rallies, including perpetrators and information about the victims, broken down by sex. Obtain official police reports and media reports, deploy fact finding, establish hotlines and utilize crowdsourcing platforms. Use maps to pinpoint related incidents. Cross-check with other data, e.g. distance from the location of a rally and size of event. Use markers of different sizes to present different dimension of incidents.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 5.4 Provocative and violent actions by political parties

### Introduction

Electoral processes are supposed to offer a level playing field where the quality of their electoral manifesto will determine parties' chances of success. In reality, election campaigning and party actions can go beyond the political rhetoric. In some contexts, political actors resort to different forms of psychological and physical violence to ensure that their electoral success is secured prior to election day. Such actions mostly take place during the electoral campaign period. They involve aggressive party activists, recruited thugs or members of party militias who commit acts of harassment, intimidation, assaults, violence against women and girls, destruction of property, political assassinations and other unlawful acts. Actions are directed against political opponents, their supporters, journalists and others. These scenarios are particularly dangerous as a single provocative or violent action may trigger responses and start a vicious circle.

### Empirical cases and interrelated factors

- *Guatemala presidential and legislative elections 2011.* The run-up to the election was marked by violent actions committed by political parties and their supporters, with more than 20 election-related deaths reported.<sup>106</sup> In February 2011 a mayoral candidate for the National Union for Hope-Grand National Alliance (UNE-GANA) was assassinated in a restaurant. Another, similar murder involved a UNE-GANA mayoral candidate's son, who was killed in February 2011. The father claims that a politician from the oppositional party Patriot Party (PP) was involved in plotting the murder.<sup>107</sup>

*Interrelated factors:* presence of non-state armed actors (*external*); presence of organized crime (*external*);<sup>108</sup> problematic voter registration (*internal*).<sup>109</sup>

### Observable indicators

- 1) Incidents of intimidation, threats, destruction of property, physical harm, kidnappings, assassinations and other violent acts committed against electoral actors, journalists, registrants and voters;
- 2) psychological and physical violence directed against vulnerable social groups such as women, children, ethnic and religious minorities and so on during the election period; and

<sup>106</sup> International Crisis Group, 'Guatemala's Elections: Clean Polls, Dirty Politics', Latin America Briefing no. 24 (16 June 2011), pp. 6–7, available at <<http://www.crisisgroup.org/-/media/Files/latin-america/B24%20Guatemala%20%20Clean%20Polls%20Dirty%20Politics.pdf>>.

<sup>107</sup> International Crisis Group, 'Guatemala's Elections: Clean Polls, Dirty Politics', p. 7.

<sup>108</sup> International Crisis Group, 'Guatemala: Drug Trafficking and Violence', Executive Summary, available at <<http://www.crisisgroup.org/-/media/Files/latin-america/39%20Guatemala%20--%20Drug%20Trafficking%20and%20Violence.pdf>>, accessed 7 November 2011.

<sup>109</sup> International Crisis Group, 'Guatemala's Elections: Clean Polls, Dirty Politics', p. 9.





- 3) the extent to which the perpetrators of violence, associated with political parties, are prosecuted.

### ***Data gathering and analysis methodology***

- Obtain official information about incidents of election-related violence. Use police reports, media reports, and civil society network reporting; engage in fact finding; establish hotlines and utilize crowdsourcing technology. Use maps to point to different geographical locations where incidents took place. Distinguish between the perpetrators and victims, including victim subgroups. Chart and show trends in election-related violence, including gender-based violence, throughout the time.
- Obtain information on the number of judicial processes against individuals or groups associated with political parties who committed provocative and violent actions. Compare with the number of incidents obtained from the police, human right activists, observer networks and the media. Indicate any discrepancies. Map regions which may be affected by the problem.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 6. Voting operations

Voting operations will in most cases include logistical preparations for election day, the conduct of special and regular voting, the vote counting and the tallying of the result. Critical aspects of voting operations will include logistics and security related to the handling of electoral materials, the integrity and transparency of special and external (out-of-country) voting, real or perceived problems with the integrity of voting on election day, and the technical accuracy and credibility of the counting and result tallying. If technical operations are executed poorly or in a way which can create perceptions that there has been manipulation and rigging of the result, reactions can be violent.

### 6.1 *Insufficiency, destruction and loss of sensitive and non-sensitive materials*

#### **Introduction**

EMBs are responsible for ensuring that election day goes without complications. One important precondition for successful voting is proper logistical arrangements. These will include the timely and sufficient provision of sensitive and non-sensitive materials to all polling locations and ensuring that these materials are protected at all times.

Failures or delays in supplying essential electoral materials, poor security and lack of transparency in the handling of them, before or after voting and counting, can have a negative impact on perceptions about the credibility and integrity of elections and lead to the rejection of election results.<sup>110</sup> This can trigger or contribute to triggering election-related violence.

#### **Empirical cases and interrelated factors**

- *Nigeria presidential and parliamentary elections 2007.* The lack of electoral materials was associated with an attempt by government to manipulate the electoral process. Voting operations started late and finished early, mainly due to the shortage of electoral materials such as ballot papers and result sheets. The shortfalls typically occurred in those provinces where the ruling party either was out of power or faced a strong challenge. In some polling districts, electoral materials were not delivered and the elections did not take place at all. Furthermore the material was often poorly handled, not counted or not registered, thus making it easier to manipulate the ballot papers and result sheets.

Moreover security was very poor throughout the election: there were several cases of political party-affiliated thugs stuffing the ballot boxes with pre-marked ballot papers with no resistance from the presiding electoral officials or the police. On some occasions the police were directly responsible for the fraud. The widespread

<sup>110</sup> 'Materials and Equipment', available at <<http://aceproject.org/ace-en/topics/vo/voc/default>>, accessed 23 September 2011.



fraud contributed to outbreaks of violence, resulting in the deaths of 200 people during the electoral process.<sup>111</sup>

*Interrelated factors:* social and political exclusions (*external*), provocative and violent actions by political parties (*internal*).

### **Observable indicators**

- 1) The sufficiency of the quantities of electoral materials produced;
- 2) the appropriateness of timing for the dissemination of non-sensitive and sensitive materials;
- 3) the level of security of transport and storage premises; and
- 4) the level of engagement of SSAs.

### **Data gathering and analysis methodology**

- Verify the feasibility of the plans for the production and dissemination of electoral materials as set by the EMBs. Use maps to indicate transport and dissemination routes. Analyse the appropriateness of designated resources, and timelines for production and dissemination. Map critical regions, transport routes and storage facilities. Use colour codes, numbers and static markers to present and combine different layers of geospatial data.
- Survey the level of confidence in logistical preparations for voting operations among political actors, civil society organizations and the broad electorate. Map geographical areas of concern.
- Assess and evaluate the preparedness and performance of the SSAs responsible for securing electoral materials. Map locations, such as EMB offices and storage facilities, where security was provided/not provided. Use different markers to point to locations of concern.
- Review relevant appeal records for associated complaints.
- Consider relevant experiences, including from a gender perspective, from past elections.

<sup>111</sup> International Crisis Group, 'Nigeria: Failed Elections, Failing State?', Africa Report no. 126 (30 May 2007), pp. 2–4, available at <<http://www.crisisgroup.org/-/media/Files/africa/west-africa/nigeria/Nigeria%20Failed%20Elections%20Failing%20State.pdf>>, accessed 9 September 2011; European Union Electoral Observation Mission, 'Nigeria: Final Report, Gubernatorial and State Houses of Assembly Elections 14 April 2007, and Presidential and National Assembly Elections, 21 April 2007', 21 April 2007, p. 28, available at <[http://eeas.europa.eu/human\\_rights/election\\_observation/nigeria/final\\_report\\_en.pdf](http://eeas.europa.eu/human_rights/election_observation/nigeria/final_report_en.pdf)>, accessed 9 September 2011; and Alston, 'Report of the UN Special Rapporteur', p. 40, accessed 1 September 2011.

## 6.2 Lack of transparency of special and external voting

### Introduction

Special and out-of-country voting are options put in place for those voters who cannot attend regular polling stations on election day. Such voters may be institutionalized or housebound, refugees, diplomatic or military personnel and diasporas. Arrangements are made to allow them to vote on a special day or series of days prior to voting day at special locations, or at mobile polling stations on election day. Votes can be cast in person or by post.<sup>112</sup>

Organizing voting for external populations is more complex than organizing in-country polling, and taking on this logistical and financial burden in a challenging environment, especially in the context of a post-conflict election, is rarely without risks. A large external population could change the outcome of an election, which may not be politically acceptable in-country.<sup>113</sup> Moreover, due to complexities associated with special and external voting, political actors or independent observers may not be in position to verify independently the integrity of the special and external voting. All these issues can be disputable in a closely contested election.

### Empirical cases and interrelated factors

- *Ghana presidential and legislative elections 2008*. Hundreds of opposition party supporters besieged the headquarters of the Electoral Commission, protesting against a special voting exercise. The protesters tried to enter the Electoral Commission premises but were stopped by riot police. The protesters claimed that the special voting process in the Ashanti region—organized exclusively for security officers and other persons performing special duties on election day—was marked by widespread irregularities. Claims were made that minors and other ineligible persons were allowed to vote, and that some individuals were given three ballot papers to vote.<sup>114</sup>

*Interrelated factors*: problematic voter registration (*internal*);<sup>115</sup> provocative and violent actions by political parties (*internal*).<sup>116</sup>

### Observable indicators

- 1) The number of special and external voters registered;
- 2) the effectiveness of the systems in place to manage external voting;
- 3) the number of special voters voting in person and by mail;

<sup>112</sup> International IDEA, *Voting From Abroad: The International IDEA Handbook* (Stockholm: International IDEA, 2007).

<sup>113</sup> Goldsmith, Ben, 'Out-of-Country Voting in Post-Conflict Elections' (no date), available on the ACE Electoral Knowledge Network website at <<http://aceproject.org/today/feature-articles/out-of-country-voting-in-post-conflict-elections>>.

<sup>114</sup> Modern Ghana, 'NDC Protests against Special Voting in Ashanti', 24 December 2008, available at <<http://www.modernghana.com/newstthread/196362/1/42949>>, accessed 5 February 2014.

<sup>115</sup> IRIN Africa, 'Ghana: Pre-election Violence and Irregularities Worry Watchdogs', Humanitarian News and Analysis (7 August 2008), available at <<http://www.irinnews.org/report.aspx?reportid=79703>>, accessed 5 February 2014.

<sup>116</sup> European Union Election Observation Mission, 'Presidential and Parliamentary Elections 2008', February 2009, pp. 12, 13, 14, 15, 19, available at <[http://www.eods.eu/library/eu\\_com\\_final\\_report\\_ghana.pdf](http://www.eods.eu/library/eu_com_final_report_ghana.pdf)>, accessed 5 February 2014.



- 4) the number of political, civil society and international observers accredited to observe special and external voting; and
- 5) the level of citizens' and observers' trust in special and external voting.

### ***Data gathering and analysis methodology***

- Verify voter registration for figures relating to numbers of special voters, including external voters who vote in person and those voting by post. Use charts to show the data disaggregated by sex. Use a world map to point to places and countries where external voting is organized. Indicate countries where observers are accredited to observe these processes.
- Conduct expert analysis to understand the extent to which external votes may influence the distribution of power in the country. Map the geographical regions impacted.
- Identify geographical regions where some or all of the activities associated with special and external voting are not independently verifiable. Map the regions.
- Survey the confidence and general views of political actors and citizens relating to the special and external voting. Chart levels of trust of different actors and in different regions. Map areas of concern and disaggregate the views of women and men.
- Obtain information about special and mobile voting. Map locations visited and travelling routes. Indicate on a map if some of these events will face increased security risks.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 6.3 Problematic election day operations

### Introduction

Election day operations are designed to facilitate the process of casting their ballot for all eligible voters. The level of participation and time constraints make election day operations very complex. In many countries, more than half of the population will exercise its democratic right on election day. This process is to be managed by a large number of male and female electoral management officials and staff and the security sector agencies' personnel. Political parties, civil society groups and international organizations provide a presence in electoral facilities across the country to scrutinize and testify to the integrity of the voting process.

Problems and irregularities which take place on election day have effects which are difficult to repair afterwards. If the margins for victory are expected to be narrow, even the smallest irregularity or perception of irregularity may spark conflict and violent reactions. Due to the short time in which voting takes place, election-day problems can culminate in the days following the actual voting.

### Empirical cases and interrelated factors

- *Former Yugoslav Republic of Macedonia municipal elections 2000.* International observers reported several irregularities during election day. In a number of cases, ballot boxes were destroyed, thereby preventing voters casting their ballot. In the municipality of Debar, all 24 polling stations had to close due to violent incidents such as threats against election officials. In other municipalities voting had to be temporarily suspended in order to restore order.<sup>117</sup>

*Interrelated factors:* poor socio-economic conditions (*external*);<sup>118</sup> social and political exclusions (*external*); the presence of organized crime (*external*); the presence of non-state armed actors (*external*).<sup>119</sup>

### Observable indicators

- 1) The timely opening of polling stations across all geographical units;
- 2) waiting time at the polling stations;
- 3) the number of complaints relating to the voting process (disaggregated by sex);
- 4) the number of interventions by EMBs;

<sup>117</sup> Organization for Security and Co-operation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission, 'The Former Yugoslav Republic of Macedonia: Statement of Preliminary Findings and Conclusions, Second Round of the Municipal Elections on September 24' (2000), p. 4, available on the ACE Electoral Knowledge Network website at <<http://aceproject.org/electoral-advice/dop?country=&organization=&year=&election=&mission=&report=&keywords=Election+day+violence>>.

<sup>118</sup> International Crisis Group, 'Macedonian Government Expects Setback in Local Elections', 4 September 2000, p. 2, available at <<http://www.crisisgroup.org/-/media/Files/europe/Serbia%2010.pdf>>, accessed 8 November 2011.

<sup>119</sup> International Crisis Group, 'Macedonia's Ethnic Albanians: Bridging the Gulf', 2 August 2000, pp. 7, 8, 9, 10, 23, available at <<http://www.crisisgroup.org/-/media/Files/europe/Macedonia%208.pdf>>, accessed 8 November 2011.

- 5) the number of interventions by SSAs; and
- 6) the number of violent incidents (disaggregated by sex).

### ***Data gathering and analysis methodology***

- Obtain information about all polling stations in the country. Show all on the map. Use special symbols or colours to point to polling stations that face increased risks.
- Continuously obtain close-to-real-time data from polling stations through the electoral officials or election observers. Mark polling stations which experience problems with opening or with their work.
- Establish hotlines (SMS data crowdsourcing—Ushahidi platform or similar) to obtain information about incidents and irregularities.
- Maintain communication with political actors and map/chart data obtained.
- Obtain figures on complaints filed at the polling stations and with the relevant appeal authorities. Use maps to point to geographical regions where complaints were filed. Use different symbols to distinguish between different types of complaints.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 6.4 Problematic vote counting and tallying of the results

### Introduction

The vote counting and tallying of the results is an activity which is particularly sensitive and vulnerable to misuse and manipulation. It usually follows immediately after the polling stations close. Vote counting and result tallying are very complex processes and thus prone to human error. In most cases, errors in vote counting and tabulation will disadvantage some parties more than others and it may be hard to establish whether the error is a consequence of human mistake or a deliberate act. If political actors, civil society and international observers are obstructed in their work, suspicions will arise to the point where this can deepen conflicts and lead to violence.

### Empirical cases and interrelated factors

- *Mongolia parliamentary election 2008.* The vote counting and reporting process was very lengthy, primarily due to the high voter turnout and the large number of voters assigned to each voting station. The delay aroused people's distrust and created perception of electoral fraud, thus triggering violent protests which resulted in the destruction of the incumbent government's party headquarters as well as 60 civilian and police casualties, among them five fatalities, during a period of state of emergency.<sup>120</sup>

*Interrelated factors:* inadequate electoral administrative rules (*internal*); environmental hazards (*external*).<sup>121</sup>

### Observable indicators

- 1) The number and locations of delayed counting process;
- 2) the number and type of challenges to the vote counting and result tallying; and
- 3) number of discrepancies between the number of voters who voted and the number of ballot papers counted.

<sup>120</sup> International Republican Institute, 'Mongolia Parliamentary Elections June 29, 2008: Election Observation Mission Final Report' (2008), pp. 24, 33, available on the ACE Electoral Knowledge Network website at <<http://aceproject.org/ero-en/regions/asia/MN/report-final-report-parliamentary-elections-iri/view>>; on violence see Aljazeera.net, 'Mongolia Under State of Emergency', 3 July 2008, available at <<http://english.aljazeera.net/news/asia/2008/07/200871164712383653.html>>; and Reuters, 'Five dead in Mongolia Post-election Violence', 2 July 2008, available at <<http://www.reuters.com/assets/print?aid=UKSP3149220080702>>, accessed 9 September 2011.

<sup>121</sup> International Republican Institute, 'Mongolia Parliamentary Elections June 29, 2008', pp. 10, 11, 25.





## ***Data gathering and analysis methodology***

- Obtain close-to-real-time reports from the counting locations through the electoral officials or election observers. Map the counting progress and record delays. Distinguish between regular and disputed counting operations. Change the colour of a polling station marker when results are processed.
- Maintain contacts with political party liaison officers and observer groups. Establish hotlines (use SMS data crowdsourcing platforms).
- Collect data about formal challenges relating to vote counting and tallying. Generate a map that presents numbers per regions. Colour code the map accordingly.
- Collect data relating to different election-related incidents which do not take place at the counting locations. Map incidents and analyse risks.
- Consider relevant experiences, including from a gender perspective, from past elections.

## 7. Verification of election results

The body responsible for the conduct of elections is usually responsible for announcing the final election results. The preliminary results provide good indicators about the electoral outcomes and the distribution of political power for the next political term of office. For an incumbent, admitting defeat and handing over political power to the opponents is difficult. Political leaders who are disappointed with the initial figures will therefore often feel strong incentives to use all available mechanisms to challenge the election results and change them in their favour. Inconsistencies, delays and lack of transparency on the part of the bodies in charge of the management of electoral appeals and results will create more scope for such challenges. Where elections are zero-sum competitions, political parties may pursue political gains by resorting to violent means.

### 7.1 Poor management of election results

#### *Introduction*

EMBs are responsible for the compilation of election results from the field, reconciliation of results at the electoral district and central levels, announcement of the preliminary election results and announcement of the final election results.

The imperative is to minimize the time lapse between election day and the announcement of the final election results. Any unnecessary or unexplained delay will feed suspicions about the integrity of the results processing. Whether real or perceived, biased processing of election results will increase the likelihood of outbreaks of election-related violence.

#### *Empirical cases and interrelated factors*

- *Mozambique presidential and parliamentary elections 1999.* According to international observers the Mozambique Electoral Commission did not follow international standards relating to electoral transparency, nor did it release the official results in a timely manner.<sup>122</sup> When it did announce the results, they were regarded as fraudulent by the Resistência Nacional Moçambicana (RENAMO). Approximately 100 people died during the violent protests that followed.<sup>123</sup>

*Interrelated factors:* inadequate funding, financing and budgeting (*internal*); unequal media access and favouritism (*internal*); poor voter information campaign (*internal*).<sup>124</sup>

<sup>122</sup> Carter Center, 'Observing the 1999 Mozambique Elections Final Report', August 2000, p. 33, available at <[http://pdf.usaid.gov/pdf\\_docs/PDABS326.pdf](http://pdf.usaid.gov/pdf_docs/PDABS326.pdf)>, accessed 9 September 2011.

<sup>123</sup> Teshome, Wondwosen, 'Electoral Violence in Africa: Experience from Ethiopia', *International Journal of Human and Social Science*, 4/6 (2009), p. 464, available at <<http://www.waset.org/journals/ijhss/v4/v4-6-60.pdf>>.

<sup>124</sup> Carter Center, 'Observing the 1999 Elections in Mozambique', August 2000, pp. 4, 5, available at <<http://www.cartercenter.org/documents/280.pdf>>, accessed 8 November 2011.



- *Kenya parliamentary and presidential elections 2007*. Much of the violence which occurred in Kenya was due to irregularities taking place after election day.<sup>125</sup> After analysing the results from 18 selected constituencies, there was an indication that the Electoral Commission of Kenya (ECK) had conducted a poor tallying process.<sup>126</sup> The allegations of ECK malpractice and fraud following the announcement of the result contributed to triggering election-related violence that led to the deaths of more than 1,100 people by armed individuals or mobs, with the police accused of failing to prevent these killings and being directly responsible for some of them.<sup>127</sup>

*Interrelated factors:* gender-based discrimination and violence (*external*); the presence of non-state armed actors (*external*); poor socio-economic conditions (*external*).<sup>128</sup>

### **Observable indicators**

- 1) The timing of delays in the announcement of the election results;
- 2) the number and location of particular geographical regions experiencing delays;
- 3) the type of reasons for delay;
- 4) the level of trust among political actors in election result management;
- 5) the level of transparency of the result management at different levels; and
- 6) the existence of mechanisms for relaying visible, accurate and transparent results to the general public.

<sup>125</sup> [Kriegler Commission], *Report of the Independent Review Commission on the General Elections Held in Kenya on 27 December 2007*, pp. 35, 125, available at <[http://www.dialoguekenya.org/docs/FinalReport\\_consolidated.pdf](http://www.dialoguekenya.org/docs/FinalReport_consolidated.pdf)>, accessed 23 September 2011.

<sup>126</sup> [Kriegler Commission], *Report of the Independent Review Commission*, p. 129.

<sup>127</sup> Alston, 'Report of the UN Special Rapporteur', pp. 37–8, accessed 26 August 2011.

<sup>128</sup> International Crisis Group, 'Kenya in Crisis', pp. 1, 5, 9, 10, 11, 17, 19.

## ***Data gathering and analysis methodology***

- Use official and observers' data to map regions, municipalities and polling stations for which election results are delayed. Change the colour of the regions and static markers when the results are provided.
- Obtain the official reasons for delays and cross-check with independent observers. Map different categories of problems using static markers and number of problems using numerical values. Create a bar chart for different categories.
- Interview relevant political actors, both women and men, about their perceptions of delays in the announcement of the election results. Observe increased risks resulting from increased dissatisfaction or distrust in the process. Generate colour-coded maps to indicate regions where opinions are very critical.
- Assess the transparency of the management of the election results independently and through observers' perceptions. Map geographical regions where transparency is not satisfactory.
- Obtain data on numbers and type of complaints relating to the management of the election results. Create maps that indicate number and type of complaints per region.
- Consider relevant experiences, including from a gender perspective, from past elections.



## 7.2 Poor management of the final round of electoral appeals

### Introduction

In most cases, the electoral dispute resolution instances include the EMBs, administrative bodies and judicial institutions. Their mandate and hierarchy may differ across different electoral systems.

Any appeal which is not dealt with, and adequately remedied, may create discontent and may also seriously contribute to the deepening or aggravation of conflicts. In an already tense situation, unresolved issues could become a trigger for conflict and an excuse for violence.

### Empirical cases and interrelated factors

- *Belarus presidential election 2010.* Violent demonstrations erupted in Minsk following the announcement by the Central Election Commission (CEC) of Belarus that incumbent President Aleksandr Lukashenko had won the presidential election with 79.6 per cent of the vote.<sup>129</sup> Under the existing legal framework, voters in Belarus cannot challenge the election results of the CEC at the Supreme Court.<sup>130</sup> The lack of dispute resolution instruments, and therefore a legitimate outlet for complaints and grievances, contributed to triggering violent protests in Minsk, which resulted in several injuries and the arrest of 725 people for up to 10–15 days for participating in an ‘unsanctioned gathering’.<sup>131</sup>

*Interrelated factors:* problematic vote counting and result tallying (*internal*); unequal media access and favouritism (*internal*); human rights violations (*external*).<sup>132</sup>

### Observable indicators

- 1) The number of appeals pending ruling after election day;
- 2) the number of appeals filed in respect to election day, the counting processes and the management of the election results;
- 3) the number of appeals effectively resolved by the relevant EDR bodies after elections; and
- 4) the level of satisfaction among the political parties in relation to the performance of the EDR bodies.

<sup>129</sup> OSCE/ODIHR Election Observation Mission, ‘Republic of Belarus: Presidential Election 19 December of 2010 Election Observation Mission Final Report’, p. 3, available at <<http://www.osce.org/odihr/elections/75713>>.

<sup>130</sup> OSCE/ODIHR, ‘Republic of Belarus: Presidential Election’, p. 3.

<sup>131</sup> Human Rights Watch, ‘Shattering Hopes II: The December 19 Presidential Election and Its Immediate Aftermath’, 14 March 2011, p. 12, available at <<http://www.hrw.org/en/node/97152/section/5>>.

<sup>132</sup> Human Rights Watch, ‘Belarus: End Arrests; Free Peaceful Protesters’, 21 December 2010, available at <<http://www.hrw.org/news/2010/12/21/belarus-end-arrests-free-peaceful-protesters>>, accessed 29 September 2011.

### ***Data gathering and analysis methodology***

- Obtain official records of appeals submitted during or after election day. Map appeals by geographical region. Distinguish between different categories.
- Obtain official records on appeal management and resolution and map geographical regions and bodies which fail to process appeals in a timely manner.
- Interview political actors in relation to their satisfaction with the performance and the composition of the EDR bodies. Map critical regions and analyse changing trends.
- Disaggregate and present data on the basis of sex.



## 7.3 Rejection of the election results

### Introduction

The rejection of the electoral results is an extreme act which may result from a real or perceived lack of integrity and credibility of the electoral process and its outcome. In very broad terms, rejection of the result by a particular party may result in self-exclusion from participation in a democratic institution or process. Very often such a decision may lead to protests with violent outcomes involving protestors and/or security sector agencies.

### Empirical cases and interrelated factors

- *Haiti presidential and legislative elections 2010/2011.* Violence erupted after the results of the first round of voting were declared in December 2010. Jude Célestin, the candidate of the party of outgoing President René Prével, came in second place, thus qualifying for the next run-off. The supporters of presidential candidate Michel Martelly, who came third and thus did not qualify for the run-off, were outraged by the fact that he was only one percentage point behind Célestin. They claimed fraud and several thousand people started to protest against what they perceived as a rigged election.<sup>133</sup> Protests escalated and resulted in a large-scale campaign of destruction and the deaths of 13 people, including children.<sup>134</sup> The Provisional Electoral Council re-examined the ballot papers and announced that Martelly had come second and thus qualified for the run-off.<sup>135</sup>

*Interrelated factors:* environmental hazards (*external*);<sup>136</sup> gender-based discrimination and violence (*external*).<sup>137</sup>

- *Côte d'Ivoire presidential election 2010.* After the incumbent president, Laurent Gbagbo, rejected the results, violence erupted, causing the deaths of 3,000 people and over 1 million refugees and internally displaced persons (IDPs).<sup>138</sup> The competing presidential candidate, Alassane Ouattara, received 54.1 per cent of votes.<sup>139</sup> Gbagbo refused to step down, which resulted in violent demonstrations

<sup>133</sup> UNHCR News Service, 'As Haitian Elections Near, UN Voices Concern at Electoral Violence', 16 March 2011, available at <<http://www.unhcr.org/refworld/country,,,HTL,,4d82fbc31a,0.html>>, accessed 23 September 2011.

<sup>134</sup> UN General Assembly and Security Council, 'Children and Armed Conflict: Report of the Secretary-General', UN document A/65/820, S/2011/250, issue 93 (23 April 2011); UNHCR News Service, 'As Haitian Elections Near, UN Voices Concern'; and 'Election Violence Flares in Haiti', *New York Times*, 8 December 2010, available at <<http://www.nytimes.com/2010/12/09/world/americas/09haiti.html>>, accessed 23 September 2011.

<sup>135</sup> UNHCR News Service, 'As Haitian Elections Near, UN Voices Concern at Electoral Violence'.

<sup>136</sup> International Crisis Group, 'Haiti: The Stakes of the Post-Quake Elections', Latin American/Caribbean Report no. 35 (27 October 2010), Executive Summary p. 2, available at <<http://www.crisisgroup.org/-/media/Files/latin-america/haiti/35%20Haiti%20-%20The%20Stakes%20of%20the%20Post-Quake%20Elections.pdf>>, accessed 29 September 2011.

<sup>137</sup> Human Rights Watch, 'A Vote to Help Women Around the World', 2 December 2010, available at <<http://www.hrw.org/news/2010/12/02/vote-help-women-around-world>>, accessed 6 August 2013.

<sup>138</sup> BBC, 'Ivory Coast Deadline for ICC Testimony', 17 June 2011, available at <<http://www.bbc.co.uk/news/world-africa-13815109>>, accessed 23 September 2011; and Aljazeera.net, "Hundreds killed" in Cote d'Ivoire Violence", available at <<http://english.aljazeera.net/news/africa/2011/04/201141232021597365.html>>, accessed 23 September 2011.

<sup>139</sup> Reuters, 'Ivory Coast Poll Winner Named, Army Seals Borders', 2 December 2010, available at <<http://af.reuters.com/article/worldNews/idAFTRE6B13FN20101202>>, accessed 23 September 2011.

and abductions of perceived political opponents belonging to the opposition party, the Rally of the Republicans (RDR), with beatings and torture as a result.<sup>140</sup>

*Interrelated factors:* presence of non-state armed actors (*external*); human rights violations (*external*);<sup>141</sup> poor socio-economic conditions (*external*);<sup>142</sup> problematic ballot counting and result tallying (*internal*); problematic election day operations (*internal*).<sup>143</sup>

### Observable indicators

- 1) Analysis of historical data relating to disputes over the election results;
- 2) the number of cases of rejection, or threats of rejection, of the election results;
- 3) the number of statements about the course of action following the rejection of the results;
- 4) number of events related to the rejection (protests and other gatherings) and number of participants;
- 5) the number of incidents of violence perpetrated by protestors;
- 6) the number of incidents of violence perpetrated by SSAs; and
- 7) the number and kind of victims and level of destruction.

### Data gathering and analysis methodology

- Obtain data through media monitoring and interviews with political actors relating to the circumstances surrounding the rejection of the results. Chart and observe trends in terms of inflammatory language and threats of violent outcomes.
- Monitor media; deploy or use existing networks and crowdsourcing platforms to obtain close to real time reports about non-violent and violent protests and related events across the country. Map events. Capture and project basic data including size of event, political patronage.
- Obtain data on violent incidents following protests. Map the level of violence by geographical location and disaggregated between the perpetrators and victims on the basis of gender.

<sup>140</sup> Aljazeera.net, “Hundreds Killed” in Cote d’Ivoire Violence’.

<sup>141</sup> International Crisis Group, ‘A Critical Period for Ensuring Stability in Côte d’Ivoire’, Africa Report no. 176 (1 August 2011), pp. 2, 3, 5, 6, available at <<http://www.crisisgroup.org/-/media/Files/africa/west-africa/cote-divoire/176%20A%20Critical%20Period%20for%20Ensuring%20Stability%20in%20Cote%20dIvoire.pdf>>.

<sup>142</sup> International Crisis Group, ‘Cote d’Ivoire: Securing the Electoral Process’, Africa Report no. 158 (5 May 2010), available at <<http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/158-cote-d-ivoire-securing-the-electoral-process.aspx>>, accessed 2 November 2011.

<sup>143</sup> International Crisis Group, ‘Cote d’Ivoire: Finally Escaping the Crisis?’, Africa Briefing no. 77 (25 November 2010), available at <<http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B077-cote-divoire-finally-escaping-the-crisis.aspx>>, accessed 2 November 2011.





The Guide on Internal Factors is a support document to *The Electoral Risk Management Tool*. This document, combined with the Guide on External Factors, is intended to guide the user of the Electoral Risk Management Tool through a broader checklist which can be useful for identifying electoral risks in a given country and electoral context.

The ERM Tool is designed to empower those who have either the mandate or interest to ensure that elections are peaceful and credible. Intended users are electoral management bodies, security sector agencies, civil society and other state and non-state actors. The ERM Tool aims to build the user's capacity to understand, analyze, and mitigate electoral risks, in particular those that may turn violent.

The ERM Tool is integrated into a software application that provides three interactive modules (learn–analyse–act) which can be used in combination or as stand-alone resources.

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