

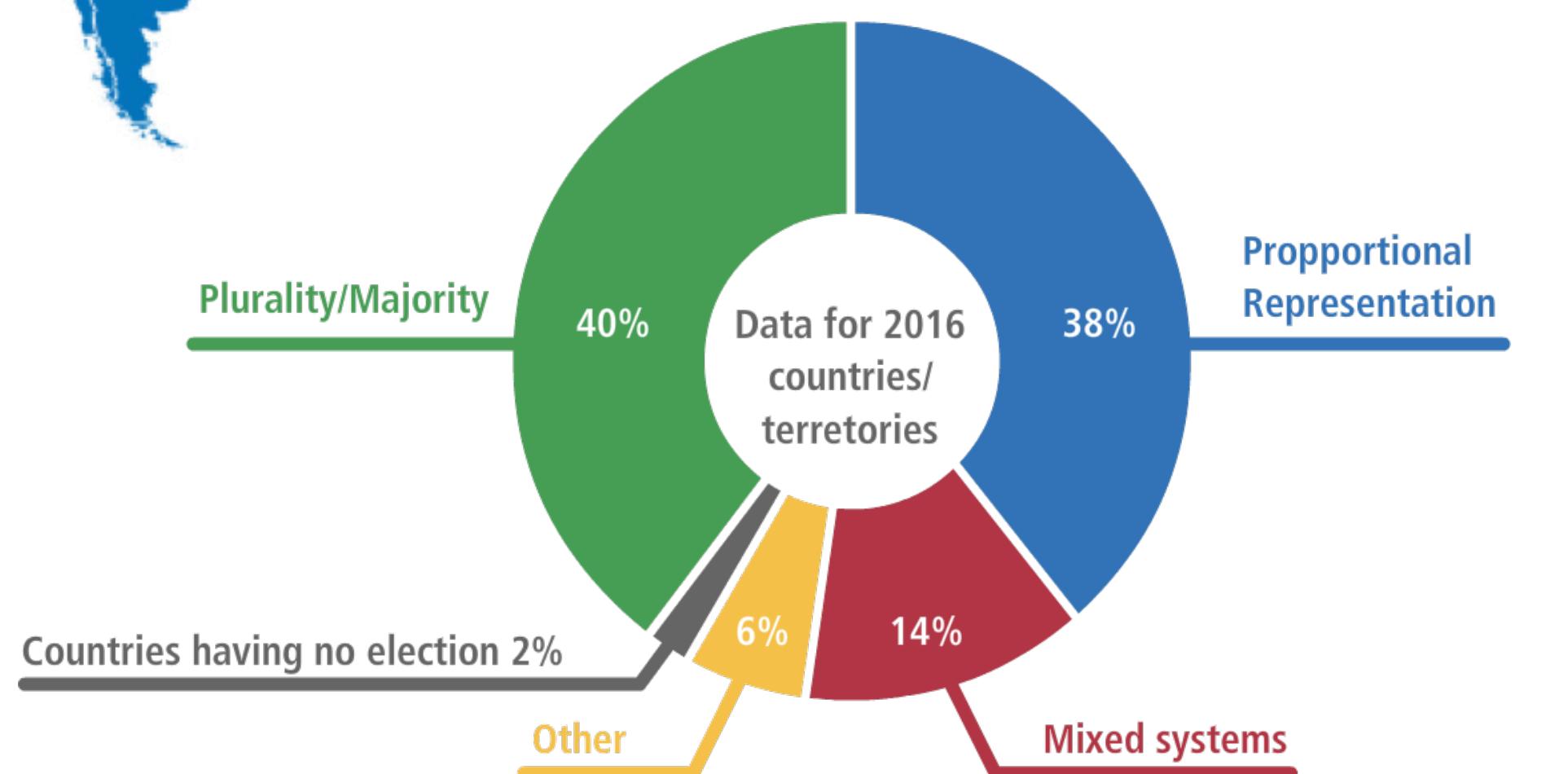
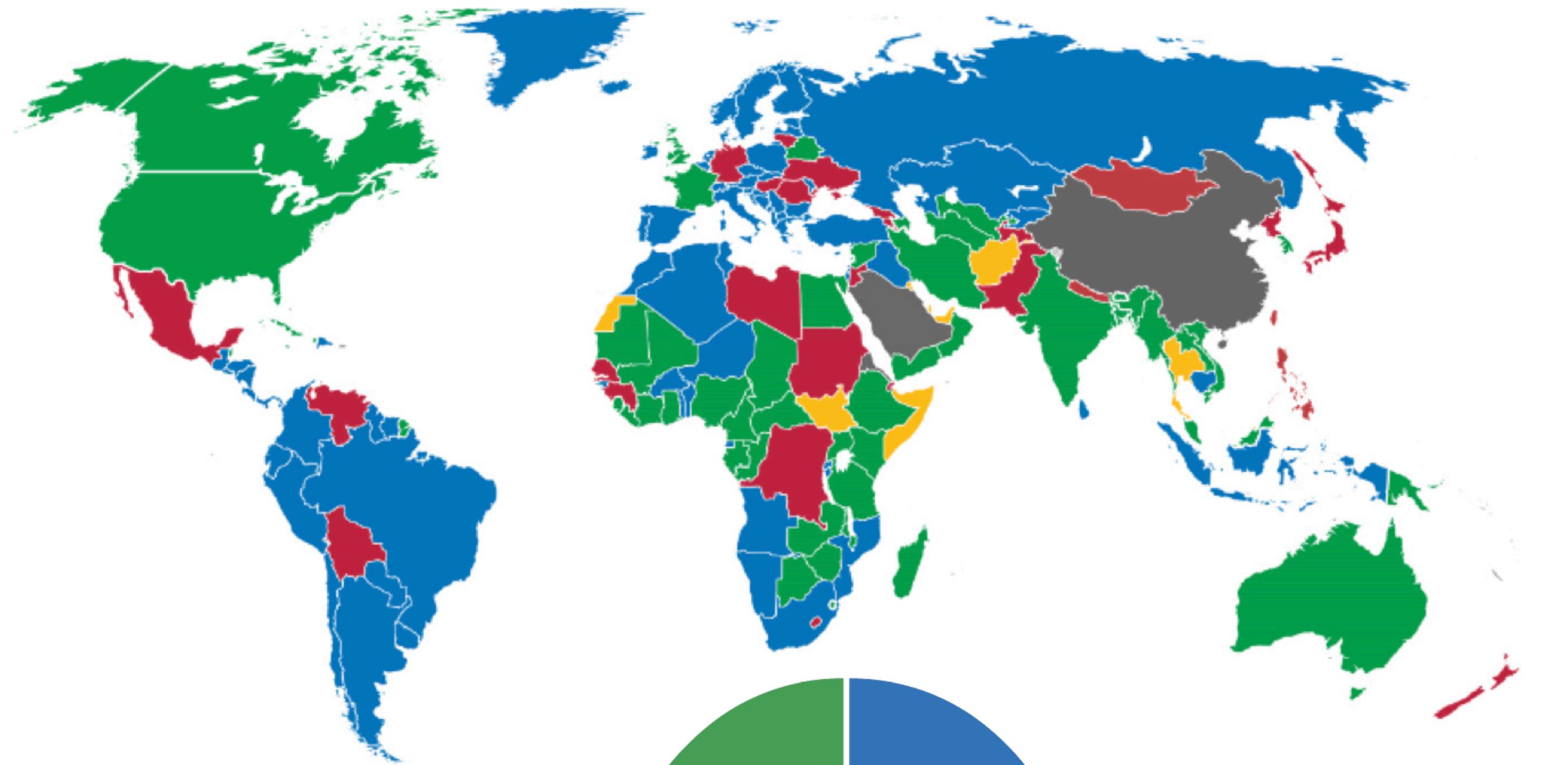


# **Electoral Management and Justice Bodies**

## **Key Pillars of Democratic Societies**

Sead Alihodzic,  
Senior Programme Officer, International IDEA  
Bern, Switzerland, August 2017

# Elections worldwide



## Elections that attract attention/support from the international community

Countries transitioning from:

► **war to peace**

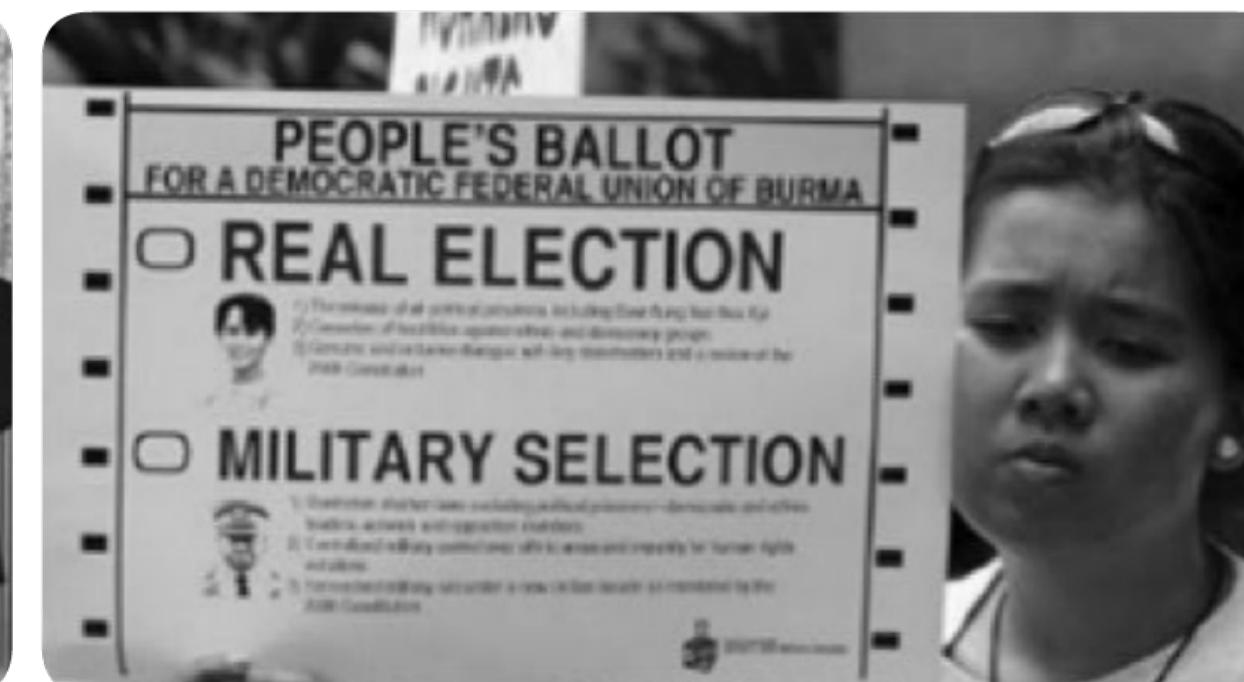
Angola 1991, El Salvador 1994, Bosnia 1995, Kosovo 1999, East Timor 1999, Iraq 2005, Liberia 2005, Nepal 2008 etc.

► **authoritarian regime to democracy**

South Africa 1994, Mozambique 1994, Indonesia 1998, Tunisia, Egypt and Libya following the Arab Spring 2010, Myanmar 2010/2015, etc.

► **political crises to stability**

Kenya 2013, Burkina Faso 2015, FYR Macedonia 2016, etc.



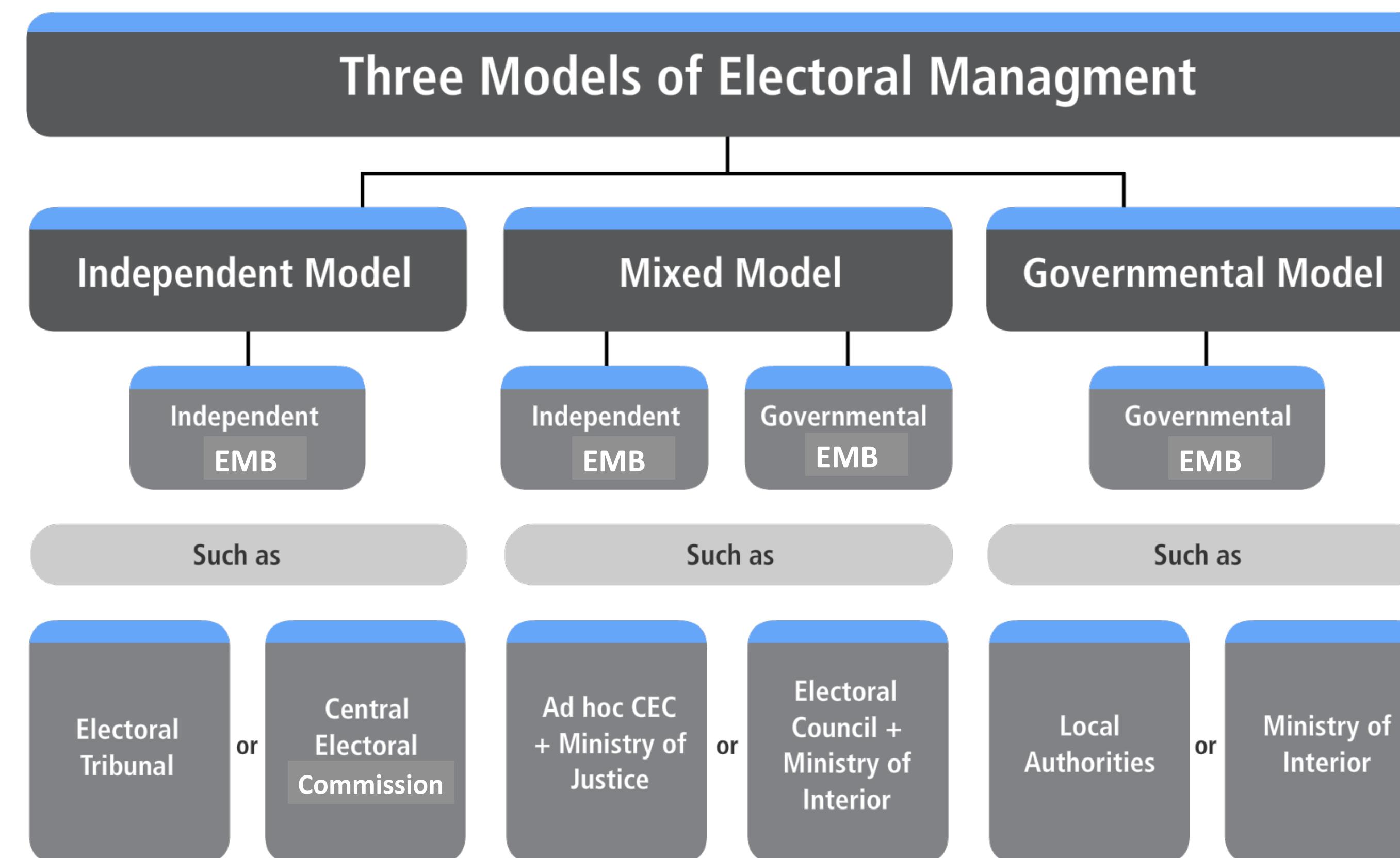
## Requirements for holding successful elections

- ① Design of appropriate electoral laws and institutions **TRUST**
- ② Capacity of electoral stakeholders **ABILITY**
- ③ Participation **LEGITIMACY**

Electoral management bodies (EMBs) and electoral dispute resolution bodies (EDRBs) are critical in ensuring all three.

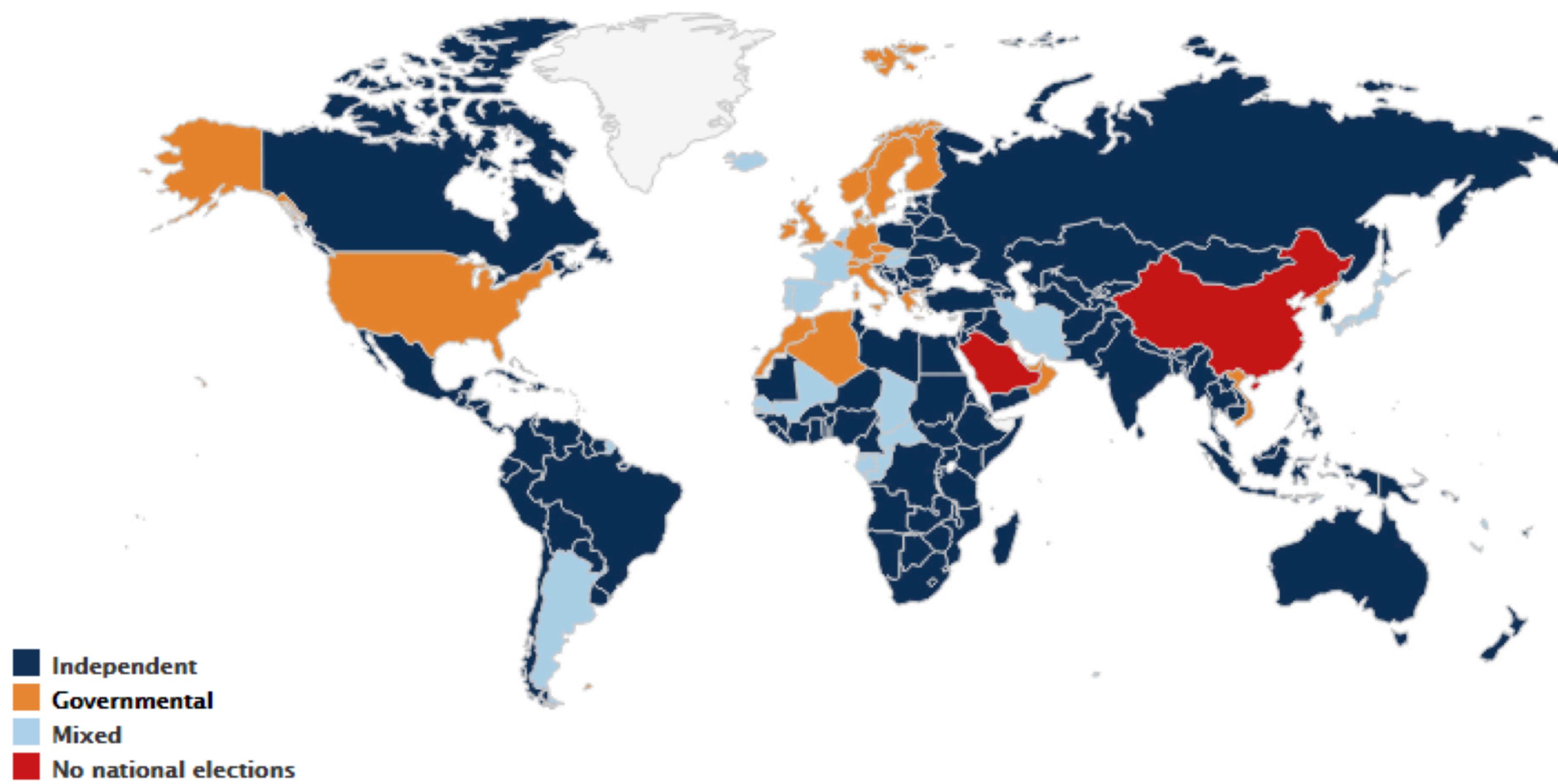
# Electoral Management Bodies (EMBs)

Organisations legally responsible for managing some or all of the elements that are essential for the conduct of elections and direct democracy instruments.



## Model of electoral management

### Electoral Management Design Database



Source: International IDEA database: <http://www.idea.int/data-tools>

# EMBs Powers, functions, and responsibilities

## Core tasks

- determining who is eligible to vote;
- registration of parties and candidates
- conducting polling;
- counting the votes;
- tabulating the votes; and
- running a credible organisation.

## Additional tasks

- voter registration
- boundary delimitation
- voter education and information
- media monitoring
- electoral dispute resolution

## Guiding principles:

Independence

- Impartiality

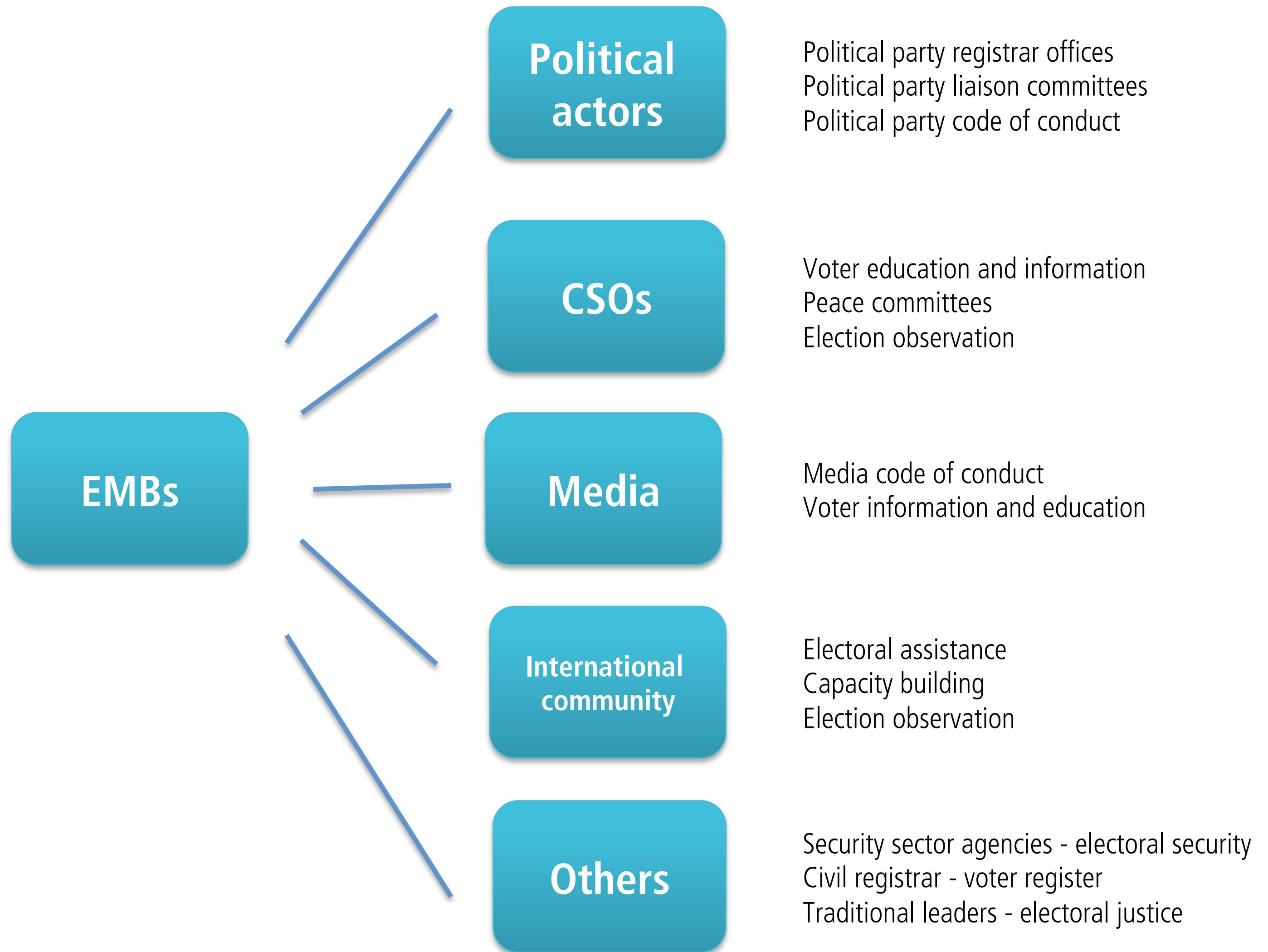
- Integrity

- Transparency

- Efficiency

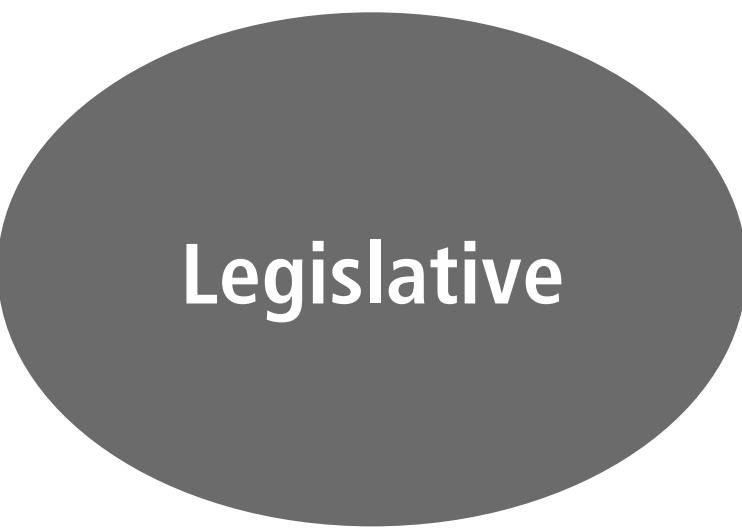
- Self-mindedness

# Stakeholders in electoral processes and relationships with EMBs

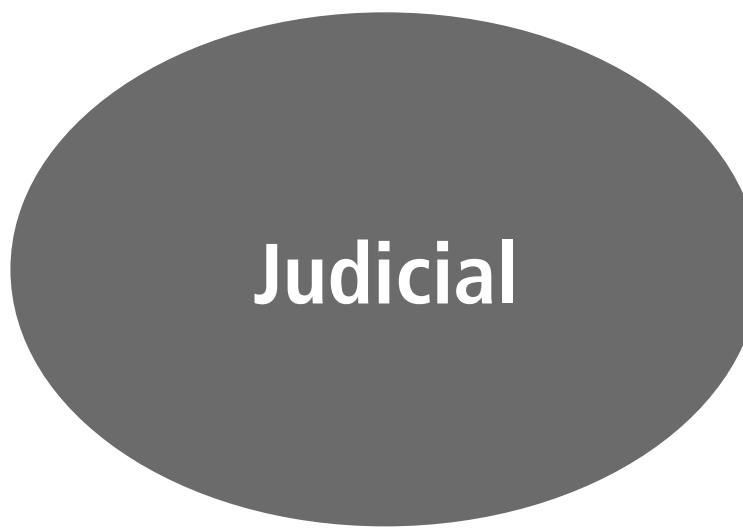


# Electoral Justice and Electoral Dispute Resolution Bodies (EDRBs)

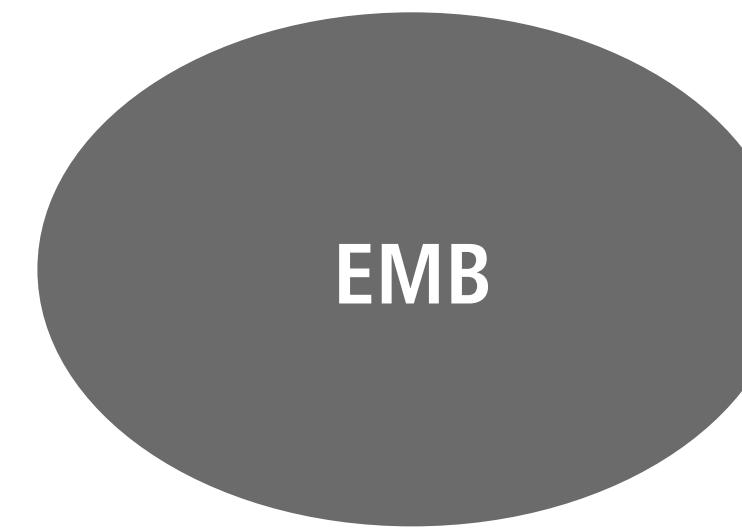
Four major types of EDR systems:



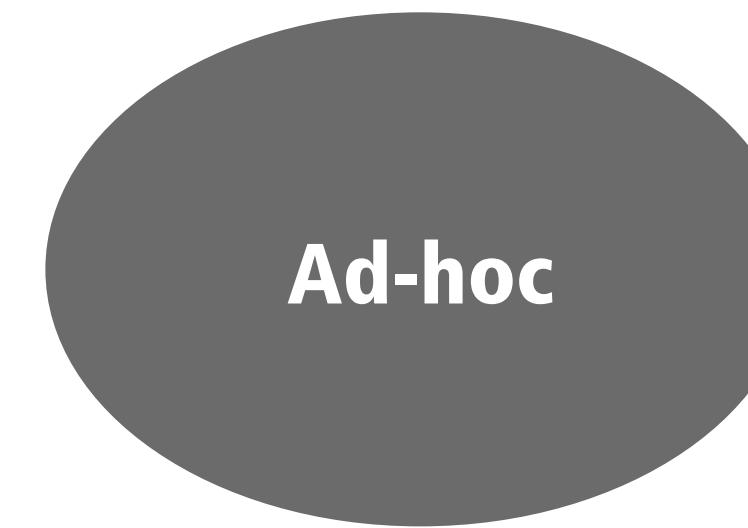
legislature or  
political assembly



regular, constitutional,  
admin, or  
specialized electoral  
courts



with judicial powers



created by international  
actors or internally for  
specific elections

# Electoral Dispute Resolution Systems (EDRSs) and Bodies (EDRBs)

## Factors for informing the EDR choice:



- country's legal traditions
- placing emphasis on preventive or punitive measures
- number of appeal instances
- time to declare results

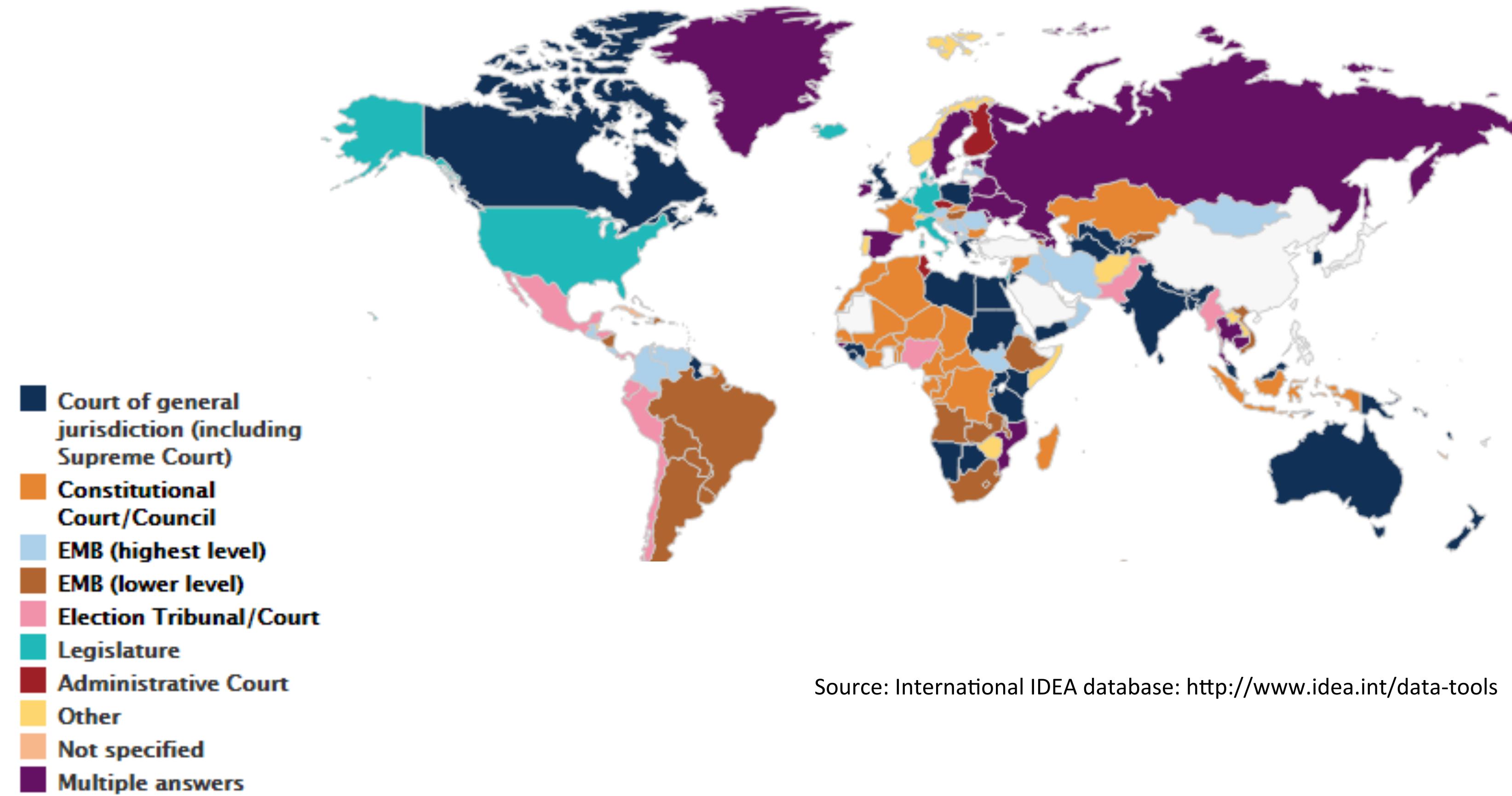
## Procedural guarantees/principles:



- transparency and simplicity
- access to complete and effective justice
- free or reasonable cost
- reasonable timeliness
- right to defense and hearing
- full and timely enforcement of ruling
- consistency in interpretation and application of election laws

# First instance body dealing with electoral disputes

Electoral Justice Database - Challenges to election results - Legislative



Source: International IDEA database: <http://www.idea.int/data-tools>

## Electoral assistance – trends

### **Key traditional challenges:**

- the lack of capacity of EMBs
- electoral malpractice
- election-related violence
- out-of-country voting

### **Key contemporary challenges:**

- all above
- growing authoritarianism and populism
- manipulations from abroad
- cyber security

### **Positive developments:**

- EMBs are increasingly collaborating

## Electoral assistance – lessons learned

**Gains achieved in promotion of democracy can be easily lost.**

In this respect, programmatic support to EMBs should (increasingly):

- Take a **holistic look at the electoral cycle**.
- Strengthen the capacity of EMBs to **manage risks**.
- Ensure **sustainability** of structures developed/supported.
- **Evaluate** projects **and share** lessons learned widely.
- **Risk of not taking the risk can be too high!**



[www.idea.int](http://www.idea.int)