THE

SE

x

s the right to take part in the government of his country, directly or through freely chose

(ordre public)

3

UNHRC General Comment No. 25

UNHRC General Comment No. 31

x

x

x

ordre public

[53] OSCE/ODIHR 2003, Part One, paragraphs 10.1-2 (references omitted). The first paragraph synthesizes material from Copenhagen commitments number 5, 5.10, 5.11, and 5.12; the second includes material from commitment number 12.

Inter-American Court of Human Rights

The African Union

Economic Community of West African States

x

x

x

each position

x

x

x

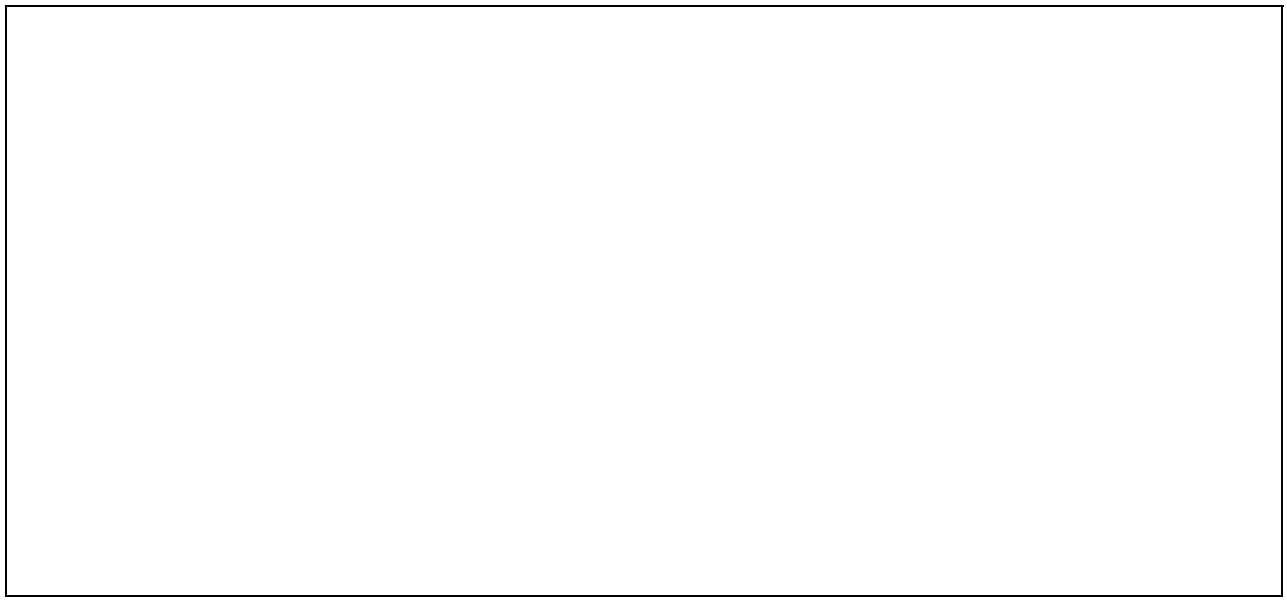
- tribunals,
- remedies
- time frame
- evidentiary and other procedural rules

(locus standii)

[118] See generally CoE/Venice Commission, 2002, paragraph and note 3.3; NDI, 2008, "Complaint Mechanisms" section; OSCE/ODIHR, 2003, Part One, section 10; and OSCE/ODIHR, 2000, "Generic Guidelines." The relevant portions of these texts are reproduced in Appendix D, Guidelines.

[119] Most election systems that permit appeals to be initiated by private individuals or groups limit this right to voters, although it would be more consistent with the international human rights norms concerning participation in political affairs discussed in a previous section to accord such a right to citizens more generally.

[120] This principle is especially important in common-law jurisdictions, in which the decisions in law cases have explicit precedential value. It is applied to ensure that the parties bringing a matter to the court for adjudication iim • l (RÜ¦À`0 c



[128] See OSCE/ODIHR, Final Report, 2008 FYROM Early

The Campaign

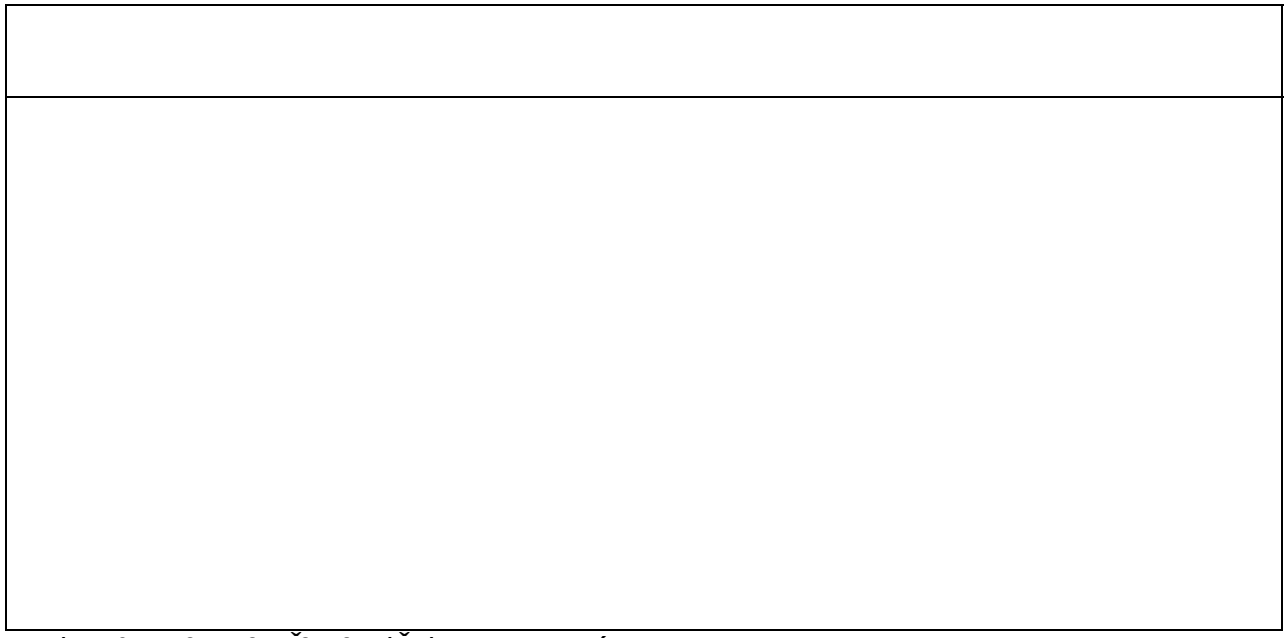
[146] See the previous footnote discussing rejection of a judicial appeal by a party against the registration of the candidates of another party in Macedonian parliamentary elections. In Cambodia prior to the April 1, 2007, local council elections, the oppositional Sam Rainsy party appealed to NEC regarding registration of the ruling Cambodian People's Party candidate list in one locality, alleging that the application had not been submitted in a timely manner. The CPP was highly concerned to register candidates in this locality, in order to claim that they had registered candidates for all the local elections. The NEC rejected their appeal, however, claiming that the evidence submitted was conflicting and did not preclude the possibility that sufficient material had been submitted on time. The head of the NEC legal department informed the author that, since NEC regulations required the filing of an application "form," it possibility the (too f) Tj /C2_2 1 Tf 0 Tc 06982 0 Td <0003>Tj /TT4 1 Tf -0.0019 Tc 0.228 0 Tdd (50003>Tg

.

ƒ • ’ ƒ ‹ ‰ • — ’ ‡ ” ˜ ‹ • ‹ ‘ • ã Š ‡ ” ‘ ƒ – ‹ ƒ • – Š ‹ … • ‘ • • ‹ • • ‹ ‘ •

[151] See, OSCE/ODIHR EOM Final Report, Croatia Parliamentary Elections, 2007, pp. 19-20 & 25.
[152] See id.

”•‡•‹ƒ ƒ”Ž‹ƒ•‡–ƒ”› Ž‡…–‘••á trry



‡‘”‰‹ƒ ƒ”Ž‹ƒ•‡–ƒ”‡z

[177] See, e.g., Republic of Liberia, National Election Commission, Campaign Finance Regulations for Political Parties and Candidates (Monrovia, May 30, 2005).

[178] E.g., in Macedonia, where financial reporting is based on establishment of a special "gyro" (i.e., current) campaign account. See OSCE/ODIHR, EOM Report, Macedonia Parliamentary Elections 2008, p. 11. Similar issues have recently been observed elsewhere in the OSCE area, for example in Armenia and Croatia.

[179] See OSCE/ODIHR, EOM Report, Armenia Parliamentary Elections 2007, pp. 10-11.

(Securitate)

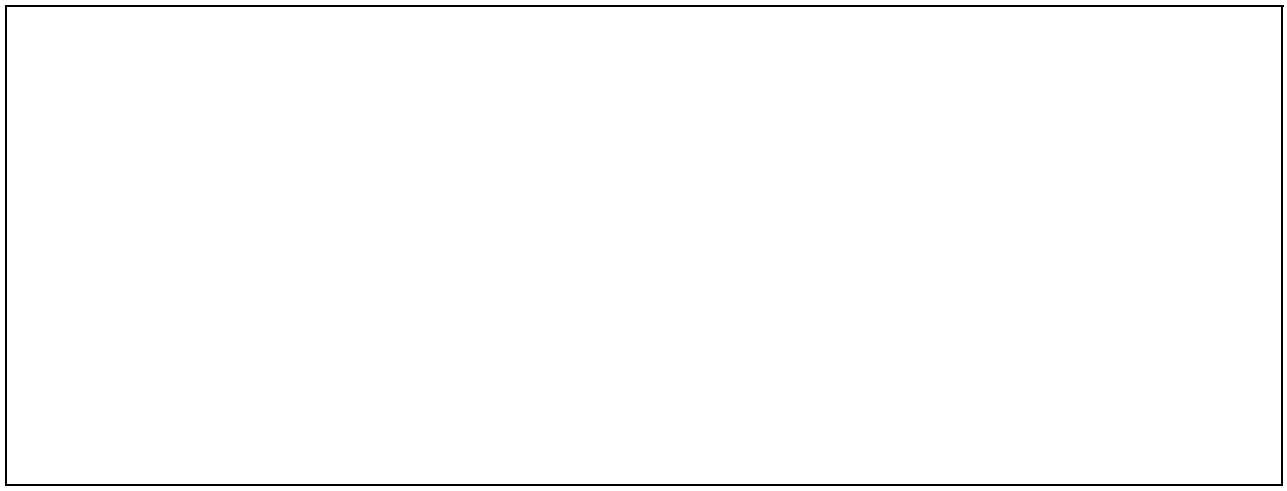
[181] See IFES, Romania: Technical Assistance to the Central Election

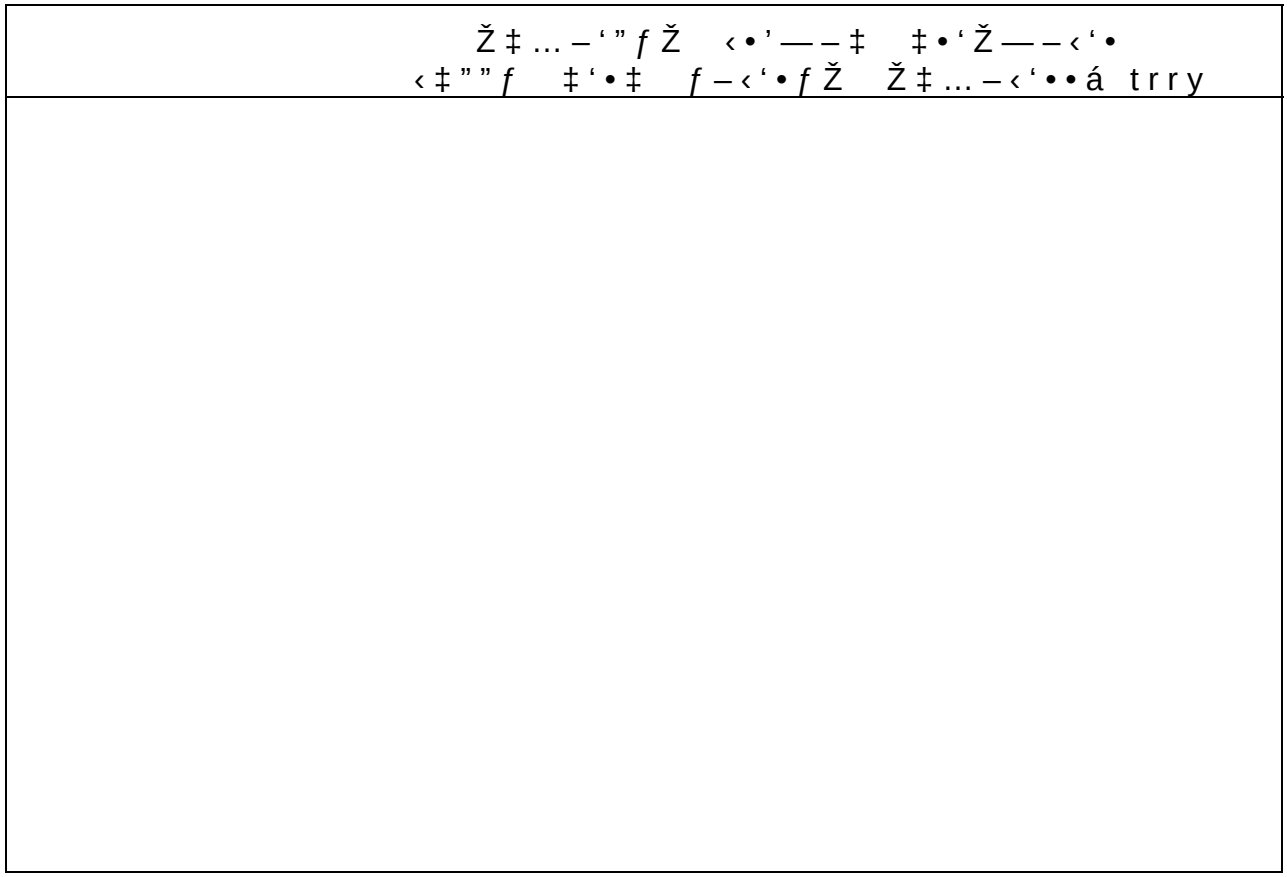
Intermediate Tabulation

• – ‡ ” • ‡ † ‹ ƒ – ‡ ƒ „ — Ž ƒ – ‹ ‘ • ‹ … ƒ ” ƒ ‰ — ƒ • ƒ – ‹ ‘ • ƒ Ž Ž ‡ … – ‹ ‘ • • á t r r x

[184] OSCE/ODIHR Expanded Election Assessment Mission Final Report, Romania, 2004, pp. 24-26

Transitional Dispute Resolution

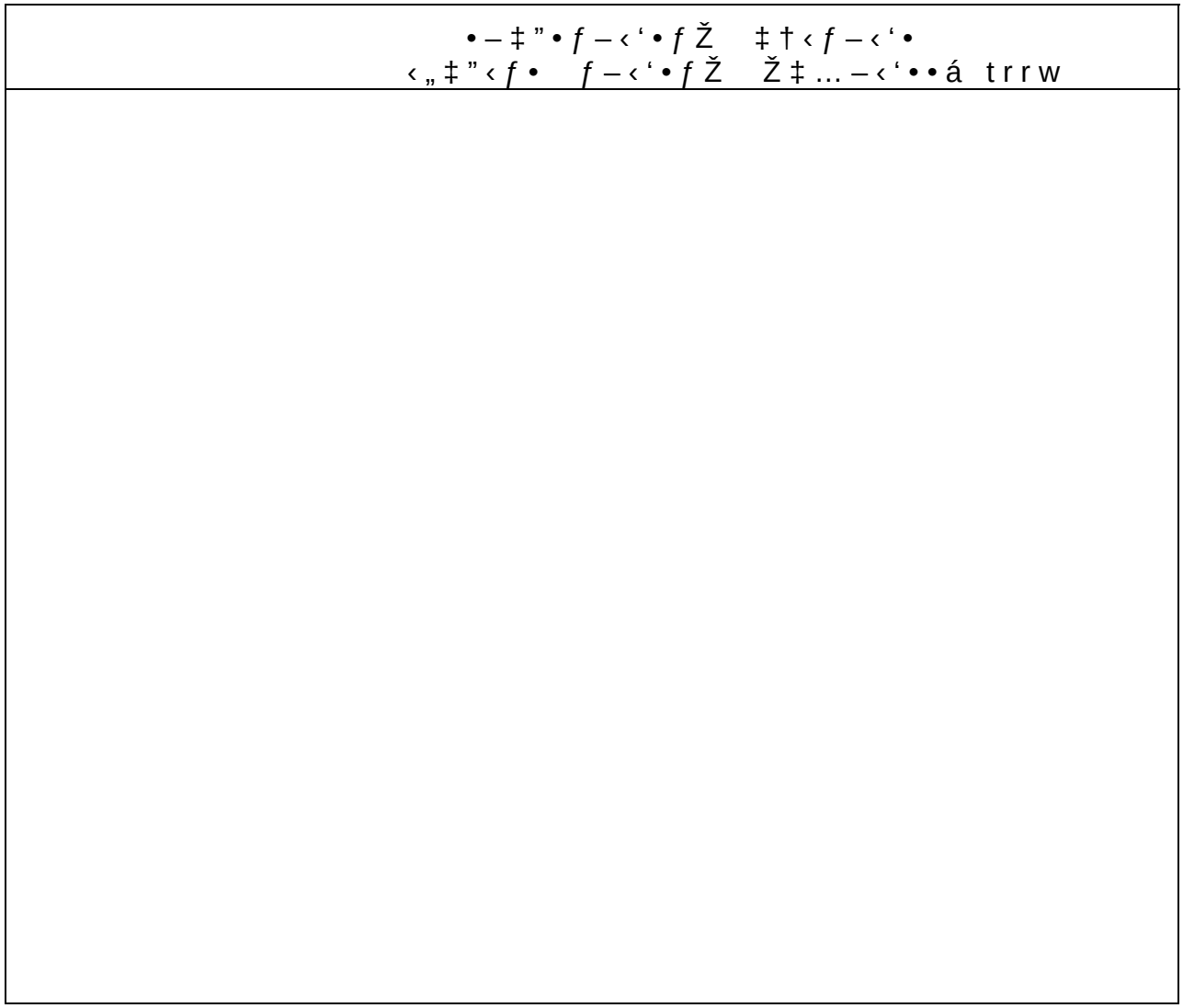




[196] See D. Finn, 2007, p. 8.

[197] EU Election Observation Mission (EOM), Republic of Sierra Leone, Presidential and Parliamentary Elections 2007, Preliminary Statement (Aug. 13, 2007), p. 4.

[198] EU EOM, Republic of Sierra Leone, Second Round of the Presidential Elections 2007, Preliminary Statement (Sept. 10, 2007), p. 5.



[199] ACPA, 2003, Articles XXXV & XXXVI.

,

Global

Regional

Americanf7(nven)]TJ[e SB(Nanj

Article 6

CONVENTION ON THE ELIMINATION OF
ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Article 7

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS
(Adopted at an OAU Meeting in Banjul, 1982, entered into force 1986)

Article 7.

Article 13.

Article 26.

AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE
(Adopted 2007, not in force)

Democratic Elections

Article 17

PROTOCOL ON DEMOCRACY AND GOOD GOVERNANCE

Protocol to the ECOWAS Treaty supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution,

Article 6

Article 7

Article 8

Article 9

Article 10

Article 12

Article 13

x
x
x
x
x
x

Article 16

x
x
x

x

Article 18

Article 45

x

Article 8

inter alia

Article 9

inter alia

a

b

c

Article 8

inter alia

Article 9

UNITED NATIONS HUMAN RIGHTS COMMITTEE
GENERAL COMMENT NO. 31 [80]:
NATURE OF THE GENERAL LEGAL OBLIGATION IMPOSED ON STATES PARTIES TO THE COVENANT

U.N. DOC. CCPR/C/21/REV.1/ADD.13. (GENERAL COMMENTS)
MAY 29, 2004

,

,

ordre public

VII. REVIEW BY A HIGHER TRIBUNAL

X. RELATIONSHIP OF ARTICLE 14 WITH OTHER PROVISIONS OF THE COVENANT

lex specialis

INTER-PARLIAMENTARY COUNCIL (COUNCIL OF THE INTER-PARLIAMENTARY UNION)
DECLARATION ON CRITERIA FOR FREE AND FAIR ELECTIONS
(Paris, March 26, 1994)

DRAFT GENERAL PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS
(Annex to Res. I [XIV] of the U.N. Sub-commission on Prevention of Discrimination and Protection of Minorities, Fourteenth Session, 1962)

DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE

[CSCE] C

OAU/AU DECLARATION ON THE PRINCIPLES GOVERNING DEMOCRATIC ELECTIONS IN AFRICA - AHG/Decl. 1 (XXXVIII), 2002

Agree and endorse

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)
CODE OF GOOD PRACTICE IN ELECTORAL MATTERS
GUIDELINES AND EXPLANATORY REPORT (2002)

---

ex officio

---

powers

C. Accessibility and transparency

D. Promptness of the proceedings: time limits and deadlines

E. Voter registration

F. Validity of candidatures

G. Election results

H. Admissibility of complaints and appeals

I. Enforcement