

ELECTION COMMISSION OF BHUTAN



ELECTION OBSERVATION GUIDELINES OF THE KINGDOM OF BHUTAN, 2018

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Election Observation Guidelines of the Kingdom of Bhutan, 2018

In keeping with the Election Act of the Kingdom of Bhutan, 2008 for conduct of free and fair elections through independent observation by duly appointed persons, the Election Commission of Bhutan hereby adopts and promulgates the *Election Observation Guidelines of the Kingdom of Bhutan, 2018*.

1. Title, Extent, Application and Commencement

1.1 These Guidelines shall:

- 1.1.1 Be referred to as the *Election Observation Guidelines of the Kingdom of Bhutan, 2018*;
- 1.1.2 Extend to the whole of the Kingdom of Bhutan;
- 1.1.3 Apply to Election Observers appointed by the Election Commission of Bhutan to observe the conduct of Parliamentary and Local Government Elections in Bhutan and National Referendums; and
- 1.1.4 Come into force with effect from 8th of February 2018 corresponding to 23rd Day of the 12th Month of the Fire Female Bird Year of the Bhutanese Calendar.

2. Purpose

- 2.1 These Guidelines provide guidance to Election Observers at Parliamentary and Local Government Elections and National Referendums with regard to observation and reporting facts to the Commission in connection with elections held in the Kingdom.
- 2.2 The Observers shall serve as independent and apolitical monitoring and reporting body towards ensuring free and fair Parliamentary and Local Government Elections and National Referendums.

3. Definition

- 3.1 In these Guidelines, unless the context otherwise requires:

- 3.1.1 “Commission” means the Election
- 3.1.2 Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;
- 3.1.3 “Electoral Laws” means the Election Act of the Kingdom of Bhutan, 2008, Public Election Fund Act of the Kingdom of Bhutan, 2008 and National Referendum Act of the Kingdom of Bhutan, 2008 and all Rules and Regulations made there-under;
- 3.1.4 “International Observer” means an individual, who is committed to the promotion of conduct of clean, free and fair democratic elections and National Referendums, and invited by the Ministry of Foreign Affairs of the Royal Government of Bhutan as per these Guidelines;
- 3.1.5 “Micro-Observer” means an individual duly appointed by the Commission who shall assist a National Observer and be made responsible for observation of the various stages of the electoral processes to ensure free and fair elections;
- 3.1.6 “National Observer” means an individual duly appointed by the Commission, from amongst apolitical and respected citizens, who shall be made responsible for observation of the various stages of the electoral processes to ensure free and fair elections;
- 3.1.7 “Observer” means an Election Observer that includes a National Observer, Micro-Observer or an International Observer; and
- 3.1.8 Words importing the singular number shall include the plural number and *vice-versa*.

4. Duration of Observation

- 4.1 The period of observation shall commence from date of issue of the notification of elections and end after the declaration of results.

5. Categories of Observers

5.1 The National Observers shall be:

5.1.1 Officials who are reputed for integrity, fairness and probity, drawn from the public service of the Royal Government; and

5.1.2 Apolitical and respected citizens reputed for integrity, fairness and probity.

5.2 The Commission shall designate an individual public servant as National Observer or Micro-Observer by an order of appointment.

5.3 The Micro-Observers shall be:

5.3.1 Appointed from the civil or Public Service to assist National Observers to observe activities related to permissible and non-permissible activities in a neutral manner without interfering in the electoral process.

5.3.2 A Micro Observer shall be responsible to report regularly to the concerned National Observers with copies endorsed to the Commission.

5.4 The Commission shall appoint one National Observer, and wherever necessary Micro-Observers, in each Parliamentary Constituency for both Parliamentary and Local Government Elections.

5.5 The International Observers may be invited or accepted from:

5.5.1 The UNO, SAARC and other recognized international and regional organizations and their agencies; and

5.5.2 Foreign governments with diplomatic relations with Bhutan.

6. Accreditation of International Observers

6.1 A sponsoring organization or a government shall make a request in writing to the Commission of its intention to send International Observer teams at least 90 days before the completion of the term of Parliament.

Provided in the case of premature dissolution of the National Assembly such a request shall be made within 10 days of such dissolution.

6.2 The Commission shall recommend to the Ministry of Foreign Affairs to extend its formal invitation if the particulars and credentials of an International Observer are found to conform to these Guidelines.

6.3 An International Observer shall be required to present his/her official credentials to the Commission before commencing his/her assignment.

7. Allowances of National Observers and Micro-Observers

7.1 The National Observers and Micro-Observers shall be paid Daily Subsistence Allowance (DSA) as per the prevailing financial norms.

8. Criteria for Observers

8.1 Every Observer is expected to:

8.1.1 Have credibility, reputation for impartiality, independence of mind and objectivity;

8.1.2 Have relevant experience or has received relevant training;

8.1.3 Be able to speak Dzongkha or English fluently;

8.1.4 Be able to understand the electoral laws of Bhutan;

8.1.5 Have knowledge and understanding of international standards of determining free and fair electoral process; and

8.1.6 Have some knowledge of the history, geography, culture and current political situation of Bhutan.

9. Duty of the Commission

9.1 The Commission shall draw up a general plan of action for the Observers to enable their time and services to be used most effectively.

9.2 The Commission shall make all necessary arrangements to ensure that the Observers are in no way restricted or impeded in carrying out their duties.

9.3 The Commission shall provide accrediting documents together with badges or other means of identification to help them to be readily recognizable by officials, the media and the public.

10. Duty of the Dzongkhag Administration

10.1 A Dzongkhag Administration shall facilitate basic logistic and secretarial support to a National Observer or a Micro-Observer to facilitate him/ her to function effectively.

11. Roles of Observers

11.1 An Observer shall closely monitor the electoral process and report any incidents that may be found objectionable in nature to the Commission immediately and the routine observations in the prescribed manner.

11.2 An Observer shall monitor the compliance to the restrictions imposed on the use and abuse of public properties by political parties and candidates during the Election Period.

11.3 An Observer must adopt a friendly and co-operative approach and strive to win the confidence of voters, officials, media and the public.

11.4 An Observer may seek information but shall not criticize, be a hindrance nor be officious in making suggestions.

11.5 An Observer shall upon receipt of a complaint forward it to the Chief Election Coordinator or Chief Election Commissioner depending on the gravity of the case or if the complaint pertains to the Chief Election Coordinator.

11.6 The National Observer and the Micro-Observer shall also serve as the Expenditure Observer.

11.7 Treasurers or Accountants or Election Representatives of Political Parties or Candidates shall submit expenditure statements on the expenditures incurred or authorized by them to the Expenditure Observers in **Public Election Fund Form No.5** as per an agreed schedule drawn up on a weekly basis till the last day of campaign.

11.8 The Expenditure Observers shall append signature on each and every payment made by a Political Party or a candidate in the Weekly Expenditure Statement submitted to him/her.

11.9 The National Observers and Micro Observers shall forward the weekly expenditure report to the Public Election Fund Division.

11.10 A checklist is provided as **Election Observation Form No.1**, which may be used for quick reference but not an exhaustive list.

12. **Background Materials and Briefings**

12.1 The Commission shall brief the Observers on their duties and responsibilities before the commencement of their assignment in order to ensure that they have the similar approach to their duty.

12.2 The Commission shall ensure that the briefing adequately emphasizes the independence and impartiality of the Observers while discharging their duties.

12.3 The Commission shall provide Observers with relevant background materials on various aspects namely:

12.3.1 Information pertaining to the history and geography of Bhutan and the prevailing political scenario, in case of International Observers;

12.3.2 Information on the electoral process including the relevant laws;

12.3.3 List of polling stations for the electoral area to be covered by the Observer;

12.3.4 List of political parties and information pertaining to the political parties and their orientation; and

12.3.5 The names of the candidates and their respective political parties.

13. **Scope of Observation**

13.1 The scope of observation shall be to assess and evaluate:

13.1.1 The impartiality of the Election Officers in the discharge of their duty;

- 13.1.2 The registration of voters;
 - 13.1.3 The manner in which the election campaigns are conducted;
 - 13.1.4 Expenditures of political parties and candidates;
 - 13.1.5 Whether freedom of movement, assembly, association and expression have been respected during the election campaign;
 - 13.1.6 Whether freedom for all the parties and candidates to conduct peaceful political activity has existed throughout the election period;
 - 13.1.7 Whether parties have conducted their political activities in accordance with the law;
 - 13.1.8 Whether voters have been able to cast their votes freely and without fear or undue influence;
 - 13.1.9 Whether arrangements for the conduct of poll and count have followed satisfactory standards to avoid fraud and illegality;
 - 13.1.10 Whether voting procedures are being correctly followed by the Election Officers and that those duties are carried out impartially;
 - 13.1.11 Whether the Secrecy of the ballot is ensured;
 - 13.1.12 The manner in which results are determined; and
 - 13.1.13 The maintenance of order and general security at the polling station.
- 13.2 The Observers shall also check that party workers do not exercise undue influence upon the voters either at or near the polling stations.
- 13.3 The Observers shall attend the counting of the votes and observe that all procedures are correctly applied and that the secrecy rules are obeyed.
- 13.4 The Observers shall check if restriction, contrary to the law of the land, is imposed on any citizen who wishes to take part in the election process either as a candidate or a voter.

14. Rights of Observers

14.1 The Observers shall enjoy the right to:

14.1.1 Request for and obtain reasonable information on any aspects of civic education programmes, the candidate's campaign programmes, activities related to registration of voters, nominations and polling;

14.1.2 Be present at the polling stations;

14.1.3 Inspect polling booth before the beginning of the casting of votes;

14.1.4 Move freely throughout the country except, that an International Observer will be restricted from visiting polling areas located at places where there are Military installations and other restricted areas; and

14.1.5 Communicate freely with political parties and candidates.

15. Obligations

15.1 The Observers shall be obliged to:

15.1.1 Respect and abide by the laws of Bhutan;

15.1.2 Exercise his/her role with impartiality, independence and objectivity;

15.1.3 Refrain from interfering in any of the electoral processes;

15.1.4 Be familiar with electoral laws of the Kingdom; and

15.1.5 Stay on duty until the whole process of polling and counting has been completed.

15.2 The Observers shall be sensitive to the officials' position while making enquiries.

15.3 The Observers shall attend rallies and meetings to check if voters are subjected to attack or disturbance by supporters of other parties and in order to satisfy themselves that no bribery or undue influence is being exerted upon the voters.

15.4 The National Observers and the Micro-Observers shall report to the Commission as required in their Appointment order issued by the Commission.

16. Mode of Reporting

16.1 An Observer while making his/her assessments shall take into account the socio-cultural, economic and political context of the Kingdom and its people.

16.2 An Observer shall exercise care in recording uncorroborated complaints made during the election campaign.

16.3 The report submitted by the Observers shall give details of the number of Observers involved and the time spent on the exercise.

16.4 An Observer shall, in preparing his/her report, be as factual as possible and record his/her own findings with factual statements from the third parties as quoted and recorded.

16.5 An Observer shall discuss his/her findings and prepare and submit a final report to the Commission on those findings as quickly as possible after the counting of the votes.

16.6 The reports must be submitted to the Commission, as per the **Election Observation Form No. 2, 3 & 4**, which shall in turn make the report accessible to public.

17. Specific Directions to International Observers

17.1 An International Observer shall be required to:

17.1.1 Possess a valid visa during his/her stay in the Kingdom;

17.1.2 Be familiar and prepared about the climate and living conditions in the country to undertake tasks effectively; and

17.1.3 Refrain from engaging in activities that are not related to observation of elections.

18. Revocation of Appointments

18.1 The appointment of National or International Observers shall be revoked if he/she campaigns or displays favoritism for a political party or a candidate or obstructs an Election Officer in the discharge of his/her functions.

18.2 An International Observer, on revocation of his/her appointment under section 18.1, shall be repatriated immediately.

19. Penalties

19.1 Any Observer, subject to the section 18, found guilty of violation of these Guidelines or the Election Act shall be dealt with in accordance to the Election Act.

20. Power of the Commission to Issue Instructions and Directions

20.1 The Commission may issue instructions and directions:

20.1.1 For the clarification of any of the provisions of these Guidelines;

20.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

20.1.3 In relation to any matter with respect to the appointment and assigning responsibility to Observers, for which these Guidelines make insufficient provision, and clarification is necessary in the opinion of the Commission.

21. Authority of Interpretation and Amendment

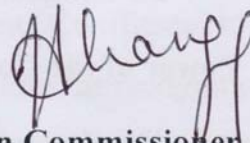
21.1 The Commission shall be the authority competent to interpret the clauses of these Guidelines.

21.2 The Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

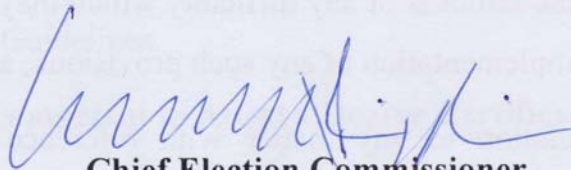
Done under the seal of the Election Commission of the Kingdom of Bhutan on this 8th of February 2018 corresponding to the 23rd Day of the 12th Month of the Fire Female Bird Year in the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner
