

Institute of International Election Observation - As a Factor of Democratic Elections

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ABSTRACT

In this article author analyses role of international election observation as a factor of providing transparency and assessing democratic reforms in a country. The author assesses legal bases of international observation by international governmental and non-governmental organizations as well as their role in providing transparency while voting process.

KEYWORDS: elections, voting process, transparency, democratic reforms, legal base

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Democratic elections are one of the highest direct expressions of the power and will of the people, basis for elected bodies of state power and local government.

The main sources of international standards in the field of electoral rights and freedom of citizens of Republic of Uzbekistan should include, first of all, universal electoral standards. One of them is the Universal Declaration of Human Rights, approved by the UN General Assembly on December 10, 1948, article 21 of which states: "Everyone has the right to take part in the government of his country directly or through freely elected representatives".

From the perspective of national legislation, Constitution of the Republic of Uzbekistan, which forms the basis of electoral legislation system, devotes a special chapter to electoral system and proclaims a number of fundamental principles that should guarantee real political pluralism, certainly stands out. It should be noted that there is no analogue of such a chapter in the constitutions of many states.

State power in the Republic of Uzbekistan is exercised in the interests of the people and exclusively by bodies authorized to do so by Constitution of the Republic of Uzbekistan and legislation adopted on its basis. What does this mean? It is obvious that this is one of the essential elements of the rule of law, because article 7 of the Constitution of the Republic of Uzbekistan proclaims the following: "The people are the only source of state power".

Thus, today it can be stated that the constitutional and electoral legislation of the Republic of Uzbekistan is inextricably linked with modern international electoral standards and is intensively developing on the basis of mutual enrichment and harmonization.

A necessary condition for maintenance and development of democratic processes in the country is its participation in international and interregional organizations. Thus, it assumes obligations to comply with international norms, which should be reflected and enshrined in its legislation. Consequently, since the declaration of independence, Republic of Uzbekistan has assumed international obligations

related to reorganization of electoral system, development of national electoral legislation and conduct of election campaigns in accordance with generally recognized principles and norms of international law.

In this context, it is necessary to note the role of international observers in the implementation of the institutional system of election transparency.

Elections are the most important period in political life of the country, and here international observers can have a great influence on electoral process. Thus, their presence increases confidence of voters that their votes will be taken into account, and the elections, accordingly, will be impartial and compatible with the principles of holding free and fair elections, which in fact is the basis of democracy. That is, international observation plays an important role in protecting the integrity, transparency of elections, and compliance with international standards.

International observation is an effective tool for ensuring fulfillment of international obligations. It can be used in various branches of international law.

Thus, the most well-known type of activity of international observers is ensuring the implementation of such human rights as the right to vote and be elected (Article 25 of the International Covenant on Civil and Political Rights of 1966), the right to free elections (Article 3 of Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950), the right to vote and be elected (Article 1 of the Convention on Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States of 2002), the right to participate in public administration (Article 23 of the American Convention on Human Rights of 1969), the right to freely participate in the governance of one's country either directly or through representatives (Article 13 of the African Charter on Human and Peoples' Rights of 1981), etc.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has the greatest experience in the field of international monitoring. It is one of the world's leading human rights institutions with a mandate to assist OSCE participating States aimed at "ensuring full respect for human rights and fundamental freedoms, upholding the rule of law, implementing the principles of democracy, creating, strengthening and protecting democratic institutions, as well as developing the principles of tolerance throughout society" (in accordance with the Helsinki Document of 1992).

Among the important activities of the ODIHR, it is necessary to highlight: monitoring compliance with OSCE commitments in the field of elections and providing assistance in improving electoral processes. Quite often, the ODIHR provides such assistance in cooperation with the OSCE Parliamentary Assembly and other associations. These activities are complemented by the measures taken following the election observation, as they are aimed at facilitating the implementation of the recommendations contained in the reports of the ODIHR missions.

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Moreover, electoral legislation is being analyzed, recommendations are being published, and, along with this, election observers are being trained. Thus, the Bureau has developed and is implementing a comprehensive methodology for election observation, which is based on a long-term approach, implying an assessment of all the main components of the electoral process.

Of course, democratic elections are based on universal and equal suffrage, where OSCE participating States have committed themselves to "guarantee universal and equal suffrage to adult citizens and respect the right of citizens to seek political or public office in a personal capacity or as representatives of political parties or organizations without discrimination". This implies the right to vote, as well as the right to be a candidate in elections.

In this process, the participation of observers of international organizations and foreign states is considered an important factor in conducting open and transparent democratic elections. That is why international election observation has been adopted all over the world and has become one of the important tasks to support universally recognized human rights, a bulwark of sustainable security and stability in general.

As we know, the universal document of a recommendatory nature defining the status and competence of international election observers is the UN Declaration of Principles of International Election

Observation of October 27, 2005. Thus, in accordance with paragraph 6 of the Declaration, “International election monitoring is carried out in the interests of the population of the country where the elections are held and in the interests of the international community. According to article 8 of the Electoral Code of the Republic of Uzbekistan, observers from political parties, citizens’ self-government bodies, representatives of mass media, as well as observers from other states and international organizations have the right to participate in all events related to the preparation and conduct of elections, as well as at polling stations on election day and during the counting of votes”.

It should be noted that observers carry out their activities on the basis of the mandates of the relevant commissions. Mandates of observers from other countries and international organizations are issued by the Central Election Commission of Uzbekistan (CECU). After the announcement of the start of the election campaign, the CECU sends invitations to foreign electoral bodies and international organizations through the Ministry of Foreign Affairs.

The participation of international observers has expanded in the Republic of Uzbekistan. Therefore, it should be noted that if 331 foreign observers participated in the elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on December 21, 2014, their number increased to 825 in the 2019 parliamentary elections.

While 296 foreign observers attended the 2015 presidential elections, in 2016 this figure was 555, and a total of 971 international observers were accredited by the CECU in the international

observation of the recent presidential elections in October 24 2021, including 631 international observers from 18 international organizations, such as OSCE Parliamentary Assembly and Bureau for Democratic Institutions and Human Rights, Parliamentary Assembly of Council of Europe, Shanghai Cooperation Organization, Commonwealth of Independent States and CIS Interparliamentary Assembly, Cooperation Council of Turkic-speaking States, Parliamentary Assembly of Turkic Council, Organization of Islamic Cooperation and others, as well as 340 international observers from 45 foreign countries.

In recent years, Uzbekistan has made significant progress in the process of preparing and holding elections, carried out significant legislative reforms in the field of elections, which contributed to implementation of number of recommendations of OSCE ODIHR. It is necessary to note here that strengthening guarantees for the unhindered conduct of election campaigning, strengthening guarantees of legal protection of electoral rights, measures to create favorable conditions for people with disabilities, which contributed to openness and transparency of the electoral process.

Consequently, we see that elections were held in accordance with a radically new vector of development of electoral legislation, in accordance with regulated international standards and an atmosphere of transparency and publicity, which is one of main mechanisms for increasing public confidence and active participation of citizens in elections.