

**Local Election Observers' Accreditation, Working Procedure and Code of Conduct**  
**Directive no. 5/2020**  
**(Amended)**

**Preamble**

Recognizing the role of local election observers in the execution of free and fair elections;

Whereas it has become necessary to prescribe the identity, system of accreditation and roles, rights and responsibilities of local election observers;

Whereas it has become necessary to provide the code of conduct that organizations deployed as local observers and their agents shall follow;

Now, therefore, the National Election Board of Ethiopia has issued this directive in accordance with the authority endowed to it pursuant to Articles 114 to Article 117 of Ethiopian Electoral, Political Parties Registration, and Election's Code of Conduct proclamation no. 1162/2019 and Articles 7(7) and 8(1) of the National Election Board Establishment Proclamation no 1133/2019.

**Chapter One**  
**General Provisions**

**Article 1- Short title**

1. This directive may be cited as "Local Election Observers' Accreditation, Working Procedure, and Code of Conduct Directive No.5/2020".

**Article 2 - Definition**

Unless the context otherwise requires, in this directive:

1. "**Local Election Observer**" means a legally registered, impartial and not-for-profit, non-Governmental Local Civil Society Organization which has been established by Ethiopians and includes Non-Government Organizations, Professional Associations, Mass-based Societies and Consortiums, which the Board has authorized, based on the organization's request to observe elections through its representatives.
2. "**Proclamation**" means The Ethiopian Electoral, Political Parties Registration, and Election's Code of Conduct Proclamation no. 1162/2019.
3. "**Person**" means a legal or natural person.
4. "**Agent**" means a person deployed by an organization, authorized by the Board to observe elections, and has received an ID card after being approved by the Board
5. "**Local Civic Society Organization**" means a non-governmental, nonpartisan, not for profit entity established at least by two or more persons, voluntarily and registered to carry out any lawful purpose, and includes professional associations, mass-based societies and consortiums, which the Board has authorized, based on the organization's request to observe elections through its representatives.

6. “**Force Majeure**” means difficult situations or circumstances that are not expected to take place are out of the control of the requesting person and are unavoidable or couldn’t be controlled.
7. “**Conflict of Interest**” means any consanguineal relation between agent and candidate, pecuniary interest, conflict, and any similar issues identified as a conflict by the Board, as appropriate.
8. Unless the context otherwise requires, definitions mentioned under Proclamation no. 1133/2019 and Proclamation no. 1162/2019, shall also apply to this directive.

### **Article 3 - Gender reference**

In this directive, provisions set out in masculine or feminine gender shall also apply to the other gender.

### **Article 4 - Scope of application**

This directive shall apply to local election observers authorized by the Board to observe general elections, local elections, by-elections, re-elections, and referendums conducted in accordance with the Constitution and the Proclamation.

## **Chapter Two**

### **Application for Accreditation and Procedures for Accreditations**

#### **Article 5 - Application for accreditation**

- 1) Any local civil society organization seeking to observe elections may apply for accreditation to the Board by filling out the form prepared by the Board for this purpose and annexing evidence proving that s/he fulfils the requirements set out in the Proclamation and this directive.
- 2) No organization shall be deployed as an observer without obtaining accreditation from the Board.

#### **Article 6 - Eligibility criteria for accreditation as a local observer**

1. Any local civil society organization applying for accreditation as a local election observer:
  - a) Shall have legal personality;
  - b) Shall be non-profit and non-governmental and free from any political affiliation;
  - c) Its board members and leaders shall not be members of any political organization;
  - d) The observers it deploys shall be capable of observing election impartially, and the organization shall have the capacity to enforce this.
2. If the organization applying for accreditation is a civil society coalition/consortium, it must ensure that all member organizations meet the obligations set out in this directive.

#### **Article 7 - Documents to be annexed with the application**

1. The following documents shall be attached as annexes to the application submitted under Article 6 of this Directive for accreditation as a local election observer:
  - a) A document issued by the duly authorized government institution attesting that the applicant is registered as local civil society organization;
  - b) A document bearing the organization's stamp and the signature of its head stating that it has agreed to adhere to the code of conduct issued by the Board;
  - c) The signatures, on a form prepared by the Board for this purpose, of by each agent to be deployed by the organization as an observer confirming that the agents have agreed to abide by the code of conduct prepared by the Board.
  - d) Annexed to the document specified under sub-article (c) of this article, two recent passport-sized photographs of each agent with the agent's full name and the name of the organization he/she represents written on the back.
  - e) A copy of the agent's identification card or any other proof of identification.

#### **Article 8 - Agents deployed by local election observation organizations**

- 1) An agent deployed by an election observing organization:
  - a) Shall be an Ethiopian citizen;
  - b) Shall be 21 years old or above;
  - c) Shall be a person whose right to vote and be elected has not been restricted by law;
  - d) Shall be a person who is not patently unethical;
  - e) Shall not be registered as a candidate;
  - f) Has not been suspended by the Board while serving as an election observer previously.
- 2) Any election observer organization observes the election through its agents registered and issued accreditation cards by the Board.
- 3) In the event that an accredited organization wishes to substitute an agent it had earlier made known to the Board with a new agent, it shall do so after fulfilling the criteria set out for agents in accordance with Article 8 of this directive.
- 4) Any accredited local election observation organization must have the capacity to ensure that its agents receive comprehensive training on the election process, election laws and procedures, and this code of conduct directive.

#### **Article 9 – Issuing accreditation**

- 1) Upon receiving an application for accreditation as a local observer, the Board shall issue an accreditation certificate only upon verifying that the requesting organization and its agents fulfill the criteria and obligations stipulated in the election law and this directive; considering the enforcement capacity of the organization and securing the signature of the head of the organization or his/her representative agreeing to comply with the election laws and this directive.

- 2) The Board shall not accredit an organization that does not fulfill the requirements and criteria set forth in this directive and shall notify the applying organization of its decision on the application, in writing, within 30 days.
- 3) Any accreditation issued to an observer will apply to one election only and will remain in effect until the announcement by the Board of the official results of that election.

**Article 10 - Issuing observer identification card**

- 1) The Board shall issue an observer's identification card to each agent appointed by an organization accredited by the Board as a local observer under the Proclamation and this directive.
- 2) Any observer identification card issued by the Board will remain in effect only until the announcement of official results of the specific election at the polling station and constituency levels.
- 3) The accreditation card to be issued by the Board to agents shall contain the following information:
  - a) Official logo/emblem of the Board;
  - b) Name of the organization he/she represents;
  - c) The full name of the agent;
  - d) The stamp/seal of the Board;
  - e) The effective date of the identification card;
  - f) Identification card number;
  - g) Name and signature of the duly authorized official that issued the card.
- 4) When an accredited organization changes its representative or when the organization or representative quits their observation tasks, the organization shall collect the accreditation card and return it to the Board.

**Chapter Three**

**Rights and Responsibilities of Local Observers**

**Article 11- Rights of local observers**

An agent of an organization accredited as an observer by the Board shall have the right to:

- a) Move around polling stations to monitor and ask for and receive information on the election process including on voter registration, candidate registration, election campaign, voting, vote counting and the announcement of results;
- b) Look at election documents and observe the voting and vote counting process;
- c) Report any irregularities s/he observed or encountered in the election process to the Board or the Board's offices at various levels;
- d) Shall be free from the influence of any governmental or other institution or person;
- e) Give official statements to the public regarding their findings, observations, or conclusions;
- f) Receive cooperation from officials in the area as well as election officers at various levels.

**Article 12 - Duties of local election observers**

- 1) Any observer that has received accreditation from the Board has the duty to:
  - a) Display clearly his/her observer identification card;
  - b) Follow instructions provided by election officers;
  - c) Refrain from actions that obstruct the proper and competent conduct of the election process;
  - d) Adhere to the code of conduct issued by the Board;
  - e) Prepare and submit a detailed report to the Board.
- 2) The report mentioned under sub-article 1(e) of this provision shall be prepared in the following manner:
  - a) An agent shall have the obligation to prepare and submit a detailed report to the organization s/he represent within 7 to 10 days of the announcement of the election results at the polling station or constituency s/he was deployed in;
  - b) Any local observation organization has the obligation to prepare and submit a detailed report about the election activity it observed to the Board within one month after the official announcement of the election result. The contents of the report shall indicate:
    - 1) The number of the regions, zones, constituencies, or polling stations covered by the organization and its methods of collecting information;
    - 2) Information used and observations made in each election activity; in the preparation of elections, voter registration, candidate registration, election campaign, voting, vote counting and announcement of result.
    - 3) The observation report shall reflect the gender representation during the election process.

#### **Article 13 - Training and costs of election observation**

- 1) Any expense related to the work of an agent observing the election shall be covered by the agent or his organization. It is prohibited to use vehicles or other resources of the Board, or any political party or any public institution;
- 2) Before agents deployed by a local election observation organization commence their duties, the organization shall ensure that they receive comprehensive training and have adequate understanding:
  - a) About election processes;
  - b) On electoral laws and procedures; and
  - c) On the provisions of this directive.

### **Chapter Four** **Code of Conduct of Local Observers**

#### **Article 14 - Respecting the law**

Any organization accredited as a local observer or its agent shall:

- a) Respect the proclamation, regulations, directives, and other relevant laws

- b) Wear and display the identification card issued by the Board and show an identification card or a passport that proves their identity.

**Article 15 - Respecting the authority of election officers**

Any organization accredited as a local observer or its agent shall:

- a) Accept and comply with any lawful instruction and direction given by election officers, and security and other government authorities at different levels.
- b) Work in cooperation with election officers as well as other observers and stakeholders.

**Article 16 - Prohibition from providing advice or counsel**

Any organization accredited as local observer or its agent:

- a) Shall not provide guidance or advice to election officers in relation to their responsibilities.
- b) Besides reporting serious errors they observe to election officers, they shall not give advice to solve problems.
- c) Besides observing the dispute resolution process, they shall not participate in the grievance/complaint hearing process by taking part in the discussion.

**Article 17- Impartiality**

Any organization accredited as a local observer or its agent shall:

- a) Perform their tasks free from partisanship; refrain from any activity that harms their impartiality or shows partisanship;
- b) Avoid or refrain from participating in visits, invitations or such activities organized by political organizations or candidates, that may be perceived as displaying partiality towards the political organization or candidate;
- c) Refrain from supporting or criticizing a candidate or a political party; refrain from showing or expressing partisanship on controversial electoral issues or electoral issues related to officials, candidates, political parties, the media, and voters.
- d) Refrain from holding, moving, or displaying any logo and campaign material of any political organization or candidate engaged in election campaign by displaying, holding, placing, hanging or posting it on their premises, office, vehicles or wearing it on their person.

**Article 18 - Secrecy of the ballot respecting voters' rights**

Any organization accredited as a local observer or its agent shall:

- a) Shall not ask the voter who he/she is voting for or for whom they voted for.
- b) Shall not use a camera or voice recorder in a manner that disrupts the election process.
- c) Shall not enter or use a camera, voice recorder or any other image recording device inside the voting booth or an area designated for this purpose.
- d) Shall not photograph, film or interview any voter present to register or to vote or any election official without their consent.

- e) Shall not overtly or covertly film or photograph when voters' registration information is being entered into a document or when a voter marks a ballot on the ballot paper;
- f) Shall not film, photograph or make a copy of the voters' roll, voters' registration cards, or any other document in a manner that affects the right to privacy of voters.

**Article 19 - Not receiving or giving bribes or any form of benefit**

Any local election observation organization or its agent shall not, with the intention to perform or not to perform an activity in the electoral process or to conduct activities as a supporter, receive or give or enter into a contract or make a promise to receive or give, gifts or benefits from any political organization, candidate, member or any person or body.

**Article 20 - Conflict of Interest**

- 1) Any local election observation organization or its agent:
  - a) Shall notify the Board of any conflict of interest in relation to the act of observing the election.
  - b) Shall not involve in any activity that causes or may cause a conflict of interest.
- 2) When an agent encounters conflict of interest in his/her election observation work related to property, money, consanguineal relation or any other circumstance, the agent shall notify the constituency office of the constituency s/he is deployed in and the deploying observation organization; when the observation organization encounters the conflict of interest, it shall immediately notify the Board's regional branch office and the Board's Secretariat.
- 3) Any person that has reported a conflict of interest to the relevant body in accordance with sub-article (2) above must cease the observation work and await the Board's decision.
- 4) Upon receiving a report from a person encountering a conflict of interest or from the relevant election officer in accordance with this article, the Board may, after investigating whether or not the conflict of interest will hamper a free, direct and fair election, decide that the observer should continue his/her observation work in the same location, or that s/he should be relocated to another location, or that s/he be removed as an observer altogether. The Board shall immediately notify the relevant body of such decision.

**Article 21 - Truthfulness/Sincerity**

Any local election observation organization or its agent shall:

- a) Ensure that the information or report that they submit or disseminate at any time is truthful, supported by sufficient evidence, clear and unambiguous.
- b) Ensure that the report or information that they present or distribute is collected, compiled and published in a generally acceptable manner and duly signed.
- c) Where a decision on the information they seek is pending, they shall not use the information until the relevant body makes the decision.

**Article 22 - Acting in good faith/Sincerity**

- 1) Any local election observation group or its agent must perform their election observation work in good faith or with sincerity.
- 2) When an agent encounters a situation that prevents him/her from performing his/her duties, s/he shall notify the matter to the deploying observation immediately.

**Article 23 - Prohibition against statements on election results prior to official announcement**

Any local election observation origination or its agent:

- 1) shall not, be it from inside the country or from abroad, provide their opinions about election results before the result is announced officially by the Board.
- 2) Notwithstanding the provisions of sub-article (1) of this article, local election observation organizations can provide statements about their agents' preparations and similar topics.

**Chapter Five**

**Miscellaneous**

**Article 24 – Conditions for canceling or suspending accreditation**

- 1) The Board may cancel or suspend the accreditation it gave to a local election observation organization or its agent for the following reasons:
  - a) Where there is a violation by the observer or agent of applicable laws, regulations, directives, or other practices
  - b) Where the observer or agent has shown partiality towards any candidate or a political party in contravention of the law.
- 2) When the Board cancels or suspends a license, it shall notify the concerned person of the decision and the reasons for such a decision.

**Article 25 - Penalties**

Where a local election observer or its agent is found to be acting outside of this Code of Conduct and the obligations it entered into, the Board may, as appropriate:

- a) Cause the agent to rectify the error by issuing a warning or cause the agent to be replaced;
- b) Cancel the accreditation it issued; and/or
- c) If the action violates provisions of other laws, refer the matter to the relevant authority to hold the agent liable under the relevant law.

**Article 26 - Duty to cooperate**

Everyone has the duty to cooperate to implement this directive.

**Article 27 - Repealed laws**

Any directive or practice that is inconsistent with this directive shall not apply to matters covered by this directive.

**Article 28 - Effective date**



This directive shall come into force from the date of its adoption on the 24<sup>th</sup> day of February, 2020.

**Birtukan Mideksa**  
**Chairperson of National Election Board of Ethiopia**