

ETHICAL ASPECTS OF THE CODE OF CONDUCT FOR EU ELECTION OBSERVERS

28 June 2018

All EU Observers are bound by the Code of Conduct. This is in harmony with the code of conduct accompanying the Declaration of Principles for International Election Observation to which EU Observers also adhere.

Code of Conduct for EU Election Observers (Council Decision 9262/98)

All official EU observers should adhere to the following guidelines:
(...)

14. At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgment, and observe the highest level of personal discretion."

CODE OF CONDUCT VIOLATIONS

Beyond the stipulations of the Code of Conduct, all EU Election Observation Mission members, including local staff, are expected at all times to contribute to a professional working environment that is free from intimidation or sexual harassment. EU EOMs designate focal points to whom staff members may bring any concerns in regards to the professional working environment.

EU EOM members should behave in a manner that demonstrates respect for the citizens and officials of the host country. In view of the need for EU EOMs to maintain the highest level of private and public conduct, EU EOM members should not patronise any establishments where victims of trafficking may be employed. Likewise, in accordance with the provisions of the code of conduct, which requires Observers to "*behave blamelessly, exercise sound judgment, and observe the highest level of personal discretion*", in particular the abuse of alcohol, use of illegal drugs, and use of prostitution is strictly prohibited.

SEXUAL HARASSMENT

EU EOMs have zero tolerance to sexual harassment. The following behaviour may constitute sexual harassment:

- Repetition of suggestive remarks, or sexual insinuation; use of rude or obscene language and gestures;
- Repeated and exaggerated compliments on the appearance of a colleague;
- Unwanted physical contact;
- Acts of voyeurism and exhibitionism;
- Any other unwelcome conduct related to sexual harassment.

If unwanted behaviour is identified it is important to react immediately and it should be reported in real time so that the mission has sufficient time to take the appropriate measures. The Observer Coordinator is the Core Team member to whom sexual harassment cases should be reported. In addition and in order to ensure gender balance another member from the Core Team will also be appointed as contact point for these issues. The issue of sexual harassment will be treated in the initial

briefing of Observers. When facing a harassment case or in case there is uncertainty on defining whether the incident falls under sexual harassment EOM staff will contact the Observer Coordinator directly (or the second appointed contact point within the Core Team) and report the incident. The case will be discussed between the two and possible actions will be explored. The Observer Coordinator will also immediately and confidentially report the case to the Deputy Chief Observer who will report to FPI and EEAS HQ in order to inform them of the incident and discuss possible corrective measures.

Overall, the Observer Coordinator will guarantee complete confidentiality and will not take any action without the agreement of the perceived victims.

GENERAL ADVICE

EU EOMs often operate in different cultural environments and the local culture of the country needs to be respected. Cultural differences within the EU EOM are also a reality that needs to be taken into account.

These cultural differences can affect the perception of acts, words and body language. Observers are therefore expected to abstain from any type of conduct felt to be inappropriate or embarrassing. The same also holds for clothing. Although there is no dress code for Observers, clothing should be appropriate for staff working in an EU mission and ensure that it does not offend the values of the country.

Dealing with harassment

Observer Coordinators play a key role in implementing the policy to combat harassment. Observer Coordinators are colleagues working within the mission (core team members) who have this responsibility for the duration of the EU EOM.

Their role is to assist individuals who feel that they have suffered any form of harassment by listening to them, helping and supporting them, providing information and accompanying them. They can also provide mediation, if necessary.

Observer coordinators treat the information they receive in complete confidence and act only with the agreement of the perceived victim. Whistle-blowers will be equally protected, and the information provided will be treated with the same confidentiality.

Dealing with that type of cases can be difficult; therefore they must be able to demonstrate the following skills and abilities:

- a capacity for listening, empathising and communicating;
- discretion and respect for confidentiality;
- ability to distance oneself from one's own beliefs and value judgments;

Designation of confidential counsellors

Two contact points will be designated within the Core Team, one of them being the Observer Coordinator and another person that would ensure gender balance with the Observer Coordinator. Two focal points within the local staff will also be appointed by the DCO at the beginning of the mission.

GUIDELINES - EU POLICY ON ELECTORAL OBSERVATION

"..."

"Code Of Conduct

The following guidelines will apply to nationals of any country participating in EU observation missions decided by the EU unless specifically agreed otherwise. The guidelines will not apply to EU nationals participating in e.g. OSCE or UN missions, in which case those organisation's own codes will apply.

All official EU observers should adhere to the following guidelines:

- Respect the laws of the land. Observers enjoy no special immunities as an international observer, unless the host country so provides;
- Observers will participate in all pre-election briefings with their supervising officers;
- Observers will be subject to the direction and management of the observer team leadership, carrying out their written terms of reference and covering the geographical schedules specified by team leaders;
- Observers should be aware of the presence of other electoral monitoring teams, and liaise with them under the direction of the leader of the EU observer team;
- Observers will carry prescribed identification issued by the host government or election commission, and will identify themselves to any interested authority upon request;
- Observers shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process;
- Observers will not display or wear any partisan symbols, colours or banners;
- Observers will undertake their duties in an unobtrusive manner, and will not disrupt or interfere with the election process, polling day procedures, or the vote count,
- Observers may bring irregularities to the attention of the election officials, but will not give instructions or countermand decisions of the election officials;
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and will keep a record of the polling stations and other relevant places that they visit;
- Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, but should provide, through a designated liaison officer or spokesperson, general information about the nature of their activities as observers;
- Observers will participate in post election debriefings with their supervising officers and will contribute fully towards appropriate EU reports on the elections monitored;
- Observers must comply with all national laws and regulations. Where these limit freedom of assembly or movement about the country, they must note where such rules prevent them from carrying out their duties;
- At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgement, and observe the highest level of personal discretion."

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