

**NATIONAL AND INTERNATIONAL OBSERVER GUIDELINES OF THE  
KINGDOM OF BHUTAN**

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# ELECTION COMMISSION OF BHUTAN

## NATIONAL AND INTERNATIONAL OBSERVER GUIDELINES OF THE KINGDOM OF BHUTAN

### 1. Short Title, Extent, Application and Commencement

- (a) These Guidelines shall be referred as the National and International Observer Guidelines of the Kingdom of Bhutan;
- (b) These Guidelines shall extend to the whole of the Kingdom of Bhutan;
- (c) These Guidelines shall apply to National and International Observers accredited to the Election Commission of Bhutan to observe the conduct of Parliamentary Elections in Bhutan and National Referendums; and
- (d) These Guidelines shall come into force with effect from the .....

### 2. Purpose

- (a) These Guidelines provide guidance to Observers at Parliamentary Elections and National Referendums with regard to observation and reporting facts in connection with elections to the Election Commission of Bhutan.
- (b) The Observers shall serve as independent and apolitical monitoring and reporting body towards ensuring free and fair Parliamentary Elections and National Referendums.

### 3. Definition

In these Guidelines, unless the context otherwise requires:

- (a) “National Observer” means an individual duly appointed by the Election 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.
- (b) “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.
- (c) “Commission” means the Election Commission of Bhutan.

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- (d) Words importing the masculine gender shall include the feminine gender.
- (e) Words importing the singular number shall include the plural number and vice versa, unless the context otherwise requires.

### **4. Duration**

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

### **5. Categories**

- (a) The National Observers may be drawn from:
  - (i) Monitoring Organizations created for that purpose; and
  - (ii) Apolitical and respected citizens reputed for integrity, fairness and probity.
- (b) The International Observers may be drawn from:
  - (i) The UNO, SAARC and other recognized international and regional organizations and their agencies; and
  - (ii) Foreign governments with diplomatic relations with Bhutan.

### **6. Accreditation**

- (a) A sponsoring organization or a government shall make a request in writing to the Election 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 and in the case of the first Parliamentary elections after the date of the announcement of elections.

- (b) The Election Commission shall recommend to the Ministry of Foreign Affairs to extend its formal invitation if the particulars and credentials of an International Observer is found to conform to these Guidelines.
- (c) An International Observer shall be required to present his official credentials to the Election Commission before commencing his assignment.
- (d) The Election Commission shall designate a National Observer by an order of appointment.

**7. Terms and Conditions of Service of National Observers**

- (a) The National Observers shall be eligible to claim Daily Subsistence Allowance (DSA) from their respective Ministries or Departments.

**8. Criteria for Observers**

- (a) Every National or International Observer is expected to:
  - (i) Have credibility, reputation for impartiality, independence of mind and objectivity;
  - (ii) Have relevant experience or has received relevant training;
  - (iii) Be able to speak Dzongkha or English fluently;
  - (iv) Be able to understand the electoral laws of Bhutan;
  - (v) Have knowledge and understanding of international standards of determining free and fair electoral process; and
  - (vi) Have some knowledge of the history, geography, culture and current political situation of Bhutan.

Provided the requirement of experience shall not apply to a National Observer in the first Parliamentary election in Bhutan.

**9. Duty of the Election Commission**

- (a) The Commission shall draw up a general plan of action for the Observers to enable their time and services to be used most effectively.
- (b) The Commission shall make all necessary arrangements to ensure that the Observers are in no way restricted or impeded in carrying out their duties.
- (c) 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. Role of Observers**

- (a) An Observer shall closely monitor the electoral process and report to the Commission.

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- (b) An Observer must adopt a friendly and co-operative approach and strive to win the confidence of everyone with whom he comes into contact such as officials, media and the public.
- (c) An Observer may question and comment but shall not criticize, be a hindrance nor be officious in making suggestions.

### **11. Background Materials and Briefings**

- (a) 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 same approach to their duty.
- (b) The Commission shall ensure that the briefing adequately emphasizes the independence and impartiality of the Observers while discharging their duties.
- (c) The Commission shall provide Observers with relevant background materials on various aspects namely:
  - (i) Information pertaining to the history and geography of Bhutan and the prevailing political scenario;
  - (ii) Information on the electoral process including the relevant laws;
  - (iii) A list of polling stations for the electoral area to be covered by the Observer;
  - (iv) A list of political parties and information pertaining to the political parties and their orientation; and
  - (v) The names of the candidates and their respective political parties.

### **12. Scope of Observation**

- (a) The scope of Observers shall be to assess and evaluate:
  - (i) The impartiality of the Election Officers in the discharge of their duty;
  - (ii) The registration of voters;
  - (iii) The manner in which the election campaigns are conducted;
  - (iv) Whether freedom of movement, assembly, association and expression have been respected during the election campaign;
  - (v) Whether freedom for all the parties and candidates to conduct peaceful political activity has existed throughout the election period;

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- (vi) Whether parties have conducted their political activities in accordance with the law;
  - (vii) Whether voters have been able to cast their votes freely and without fear or undue influence;
  - (viii) Whether arrangements for the conduct of poll and count have followed satisfactory standards to avoid fraud and illegality;
  - (ix) Whether voting procedures are being correctly followed by the Election Officers and that those duties are carried out impartially;
  - (x) Whether the Secrecy of the ballot is ensured;
  - (xi) The manner in which results are determined; and
  - (xii) The maintenance of order and general security at the polling station.
- (b) The Observers shall also check that party workers do not exercise undue influence upon the voters either at or near the polling stations.
  - (c) The Observers shall attend the counting of the votes and observe that all procedures are correctly applied and that the secrecy rules are obeyed.
  - (d) 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.

### **13. Rights of Observers**

- (a) The Observers shall enjoy the right to:
  - (i) 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;
  - (ii) Be present at the polling stations;
  - (iii) Inspect polling booth before the beginning of the casting of votes;
  - (iv) Freedom of movement throughout the country except to Military installations and other restricted areas; and
  - (v) Communicate freely with any political party and their candidates.

## **14. Obligations**

- (a) The Observers shall be obliged to:
  - (i) Respect and abide by the laws of Bhutan;
  - (ii) Exercise his role with impartiality, independence and objectivity;
  - (iii) Refrain from interfering in any of the electoral processes;
  - (iv) Be familiar with electoral legislation of the Kingdom;
  - (v) Stay on duty until the whole process of polling and counting has been completed;
  - (vi) Co-operate with the Election Officers; and
  - (vii) Report to the Election Commission after every event.
- (b) The Observers shall be sensitive to the officials' position while making enquiries.
- (c) The Observers shall attend rallies and meetings to check if voters are subject 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. Mode of reporting**

- (a) An Observer while making his assessments shall take into account the socio-cultural, economic and political context of the Kingdom and its people.
- (b) An Observer shall exercise care in recording uncorroborated complaints made during the election campaign.
- (c) The report submitted by the Observers shall give details of the number of Observers involved and the time spent on the exercise.
- (d) An Observer shall, in preparing his report, be as factual as possible and record his own findings with factual statements from the third parties as quoted and recorded.
- (e) An Observer shall discuss his findings and prepare and submit a final report to the Election Commission on those findings as quickly as possible after the counting of the votes.
- (f) The reports must be submitted to the Election Commission which shall in turn make the report public.

**16. Specific Directions to International Observers**

- (a) An International Observer shall be required to:
  - (i) Possess a valid visa during his stay in the Kingdom;
  - (ii) Be familiar and prepared about the climate and living conditions in the country to undertake tasks effectively; and
  - (iii) Refrain from engaging in activities that are not related to observation of elections.

**17. Revocation of Appointments**

- (a) The appointment of National or International Observers shall be revoked if he campaigns or displays favouritism for a political party or a candidate or obstructs an Election Officer in the discharge of his functions.
- (b) An International Observer, on revocation of his appointment under sub-section (a) shall be repatriated immediately.

**18. Penalties**

- (a) Any Observer, subject to the section 17, found guilty of violation of these Guidelines or the Election Act shall be dealt with in accordance to the Election Act.

**19. Power of the Commission to Issue Instructions and Directions**

- (a) The Commission may issue instructions and directions:
  - (i) For the clarification of any of the provisions of these Guidelines;
  - (ii) For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
  - (iii) 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.

**20. Authority of Interpretation and Amendment**

- (a) The Election Commission shall be the authority competent to interpret the clauses of these Guidelines.
- (b) The Election Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

**Draft Guidelines for National and International Observers**

Done under our hands and seal of the Election Commission of the Kingdom of Bhutan (ECB) on this Day...of the ...Month of the Year... corresponding to the...Day of the... Month of the ...Year in the Bhutanese calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner