

**GENERAL NATIONAL CONGRESS  
HIGH NATIONAL ELECTIONS COMMISSION  
BOARD OF COMMISSIONERS**

**REGULATIONS ON OBSERVERS AND CANDIDATE AGENTS  
ANNEXED TO BOC DECISION 65 (2013)**

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Having noted:

- The Interim Constitutional Declaration enacted on 3 August 2011, and its amendments;
- Law 8 (2013) on the Establishment of the High National Elections Commission;
- Law 17 (2013) on the election of the CDA;
- The minutes of the 14<sup>th</sup> meeting of the BOC held on 21 September 2013;
- Having viewed the international declaration on the principles of the international observation of elections, and the Code of Conduct for international election observers.

**ARTICLE ONE  
DEFINITIONS**

1. **Observer:** a person accredited by the High National Elections Commission to observe the electoral process on behalf of a registered national or international organization or body.
2. **Observer Group:** any national or international organization or body registered with the Commission to observe the electoral process with a view to assess and release reports in this regard.
3. **Candidate:** any eligible Libyan whose application for candidacy for the Constitutional Drafting Assembly election has been approved.
4. **Candidate's Agent:** any person(s) delegated by the candidate and accredited by the HNEC for the purpose of observing the progress of the electoral process.
5. **Authorized Representative:** a person assigned by national or international body or organization to complete all registration and accreditation procedures of observers.
6. **Guest:** a person who expresses one's wish to follow the electoral process or has been invited by the Commission to do so upon accreditation. This category includes members of the diplomatic corps or regional and international organizations to Libya.
7. **Manager:** a person in charge of a polling station.
8. **Commission:** High National Elections Commission of Libya and its affiliated Electoral Committee Offices.
9. **Electoral Committee:** a committee established by the Commission to manage the electoral process in each electoral constituency
10. **Electoral Process:** includes all stages of the electoral process, starting from candidate nomination and voters' registration, polling and counting, up to the announcement of results.
11. **Accreditation Card:** a card issued by the Commission which contains accredited observer or agent's photograph and personal information. This grants the person the legal capacity to live up to the tasks assigned to him/her.
12. **Application Form for Accreditation:** a form developed by the Commission, to be filled out by observers and agents for the purpose of accreditation.

13. **Code of Conduct:** a set of binding and internationally recognized rules and principles established by the Commission set forth to guide the persons engaged in observing the elections.

## **ARTICLE TWO GENERAL PROVISIONS**

1. Observers are key elements of democratic, transparent and credible elections. They are financially and morally independent from the government and the Commission. Their task is to observe the electoral process and submit reports on the integrity of the process and its compliance with the international standards.
2. CSOs registered with the Ministry of Culture and candidate agents shall be allowed to perform the tasks of election observation following their accreditation by the Commission, which is the only authority in charge of considering requests for accreditation, as per the procedures stipulated by the law and this regulation.
3. Domestic and international organizations registered with the Commission will present a list of their observers to be accredited.
4. The Commission will only accredit observer groups. Individuals who are not members of any observer group may not be accredited.
5. The Commission will accredit guests, as per the aforementioned requirements.
6. The Commission shall send a public invitation to observe the elections to international and regional organizations, domestic and international CSOs and heads of diplomatic missions to Libya.
7. Accreditation will be conducted in the following manner: international observers will be accredited by the Commission's General Administration whereas domestic observers and candidate agents will be accredited by the Commission's Electoral Committees. Candidate agents will be accredited after the final nomination and certification of candidates.
8. Observers and agents shall agree to comply with the provisions of the code of conduct developed for them by the Commission. Observer groups and candidates will have the duty to fully inform and train their observers and agents on the electoral process and the provisions of the code of conduct.
9. The Commission may revoke the accreditation or registration of any organization or candidate whose observer or agent contravenes the Code of Conduct. The Commission will explain the reasons for the action taken.
10. The BOC may reconsider the decision of revocation of accreditation from the observer or the agent or the registration of an observer organization or the candidate. BOC decision shall be final.
11. The Commission will do its best to facilitate activities of all accredited observers and agents. However, the Commission will not be responsible for providing any means of transport, security, communications or any administrative and financial support.

**ARTICLE THREE**  
**TERMS AND PROCEDURES FOR THE ACCREDITATION OF OBSERVERS AND**  
**CANDIDATE AGENTS**

**I. ACCREDITATION REQUIREMENTS:**

**A. Domestic observers:**

1. To be of Libyan nationality;
2. To be at least 18 years of age and fully competent;
3. Adhere to impartiality, independence and integrity;
4. Not a candidate running for the election;
5. Has no political affiliation;
6. Not to engage in any electoral campaign of a candidate;
7. Familiar with the laws, regulations and election procedures;
8. Represent a CSO accredited by the Ministry of Culture and Civil Society;
9. Fill out an application for accreditation designed by the Commission;
10. Pledge to abide by the Code of Conduct.

**B. International Observers**

Any person who wishes to undertake the tasks of international observer shall meet the following requirements:

1. Be characterized by impartiality, independence, integrity and have experience;
2. Represent a recognized governmental or non-governmental body or organization, whose main tasks include election observation;
3. Have been invited by the Commission or have expressed willingness to observe the election;
4. Familiar with the election law, regulations and procedures;
5. Fill out accreditation forms designed by the Commission;
6. Pledge to abide by the provisions of the Code of Conduct.

**C. Candidate Agents:**

A candidate shall assign an agent who shall meet the following requirements:

1. Be of Libyan nationality;
2. At least 18 years of age;
3. Be fully competent;
4. Not convicted of a crime or misdemeanour of moral turpitude, unless exonerated;
5. To be commissioned by the candidate through a Power of Attorney;
6. Be familiar with the election law, regulations and procedures;
7. Fill out the application forms designed by the Commission;
8. Pledge to abide by the rules of the Code of Conduct.

**II. ACCREDITATION PROCEDURES:**

The procedures will be conducted in the following manner:

1. Fill out the accreditation application forms designed by the Commission.
2. Sign a declaration on adherence to the laws in force and the Code of Conduct.
3. Provide a copy of ID card for each local observer and candidate's agent; a copy of the passport and the entry visa for each international observer.

4. Provide a list of observers for domestic and international bodies or organizations, or agents for candidates as appropriate, and nominate Authorized Representatives to deal with accreditation process with the Commission.
5. Provide two passport-size photographs for each observer and each candidate's agent.
6. Accreditation applications and documents of domestic observers and candidate agents should be submitted to the HNEC Electoral Committees. Accreditation applications of international observers should be submitted to the General Administration of the Commission. No applications will be accepted after the announced deadline. The accreditation deadline will be announced through the media and the official website of the Commission.
7. The Accreditation Offices of the Commission General Administration or the Electoral Committees, as appropriate, will consider accreditation applications.
8. The Commission will issue official accreditation cards to all applicants who meet the accreditation criteria. The accreditation cards will be handed out at the same office to which accreditation applications have been submitted.

#### **ARTICLE FOUR RIGHTS OF OBSERVERS AND CANDIDATE AGENTS**

1. The Commission will facilitate access to information and data related to the electoral process for all accredited observers and candidate agents.
2. Accredited observers and candidate agents will have full access to observe all electoral stages.
3. The observers will enjoy all rights stipulated in the Declaration of Principles for International Election Observation and the Code of Conduct for International election observers.
4. All duly accredited observers and candidate agents will have the right to access any polling centre or station in Libya or out of country.
5. Election observers will report their observations to the head of their organization. The latter issues a public report based on their observations while providing arguments and evidence in support of their judgments.

#### **ARTICLE FIVE DUTIES OF OBSERVERS AND CANDIDATE AGENTS**

During the exercise of their functions, observers will abide by the following:

1. To observe the electoral process to ensure that elections are carried out in accordance with the election law and regulations and respect all laws and legislation in force in Libya.
2. To commit themselves to respect public order and public morals.
3. International observers commit themselves not to interfere in the internal affairs of the country.
4. To maintain a respectful attitude towards the authorities, election officials, polling station staff, voters and all other stakeholders involved in the electoral process.
5. Observers may not interfere in the electoral process under any circumstances. They may draw to the attention of election officials or Polling Station Manager any issues

they wish to raise. The Commission's election officials or Polling Station Manager will assess the case brought to their attention and act as required.

6. To visibly carry accreditation cards issued by the Commission while performing their functions.
7. To respect the principle of impartiality and to refrain from public statements that may question the credibility of the electoral process, or incite violence.
8. Refrain from wearing or carrying any logos, colours or symbols similar or identical to any of those used by running election candidates.
9. Refrain from using cameras inside the polling station/centre, unless with a permission from the Polling Station Manager.
10. Refrain from using mobile phones inside the polling and counting centres.
11. Refrain from carrying weapons in the electoral locations and do not act in an aggressive manner but use common sense.
12. Refrain from commenting on the results of elections before the announcement of the end of polling.
13. Candidate agents must remain within the limits of the Power of Attorney conferred upon them by their candidates.

## **ARTICLE SIX**

### **CODE OF CONDUCT FOR OBSERVERS AND CANDIDATE AGENTS**

1. Observers and candidate agents accredited by the Commission will respect the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.
2. Observer groups and candidates will be responsible to ensure that their accredited observers and agents are fully familiar with all relevant election laws, regulations and Codes of Conduct. They will bear full responsibility for any violations of the legislation in force committed by their accredited observers and agents, as appropriate.

## **ARTICLE SEVEN**

### **OFFENSES AND PENALTIES**

The Commission will have the right to cancel the accreditation of any observer and candidate's agent in the following cases:

- Violation of laws and regulations in force in Libya;
- Violation of the Declaration of Principles for International Election Observation and the Code of Conduct.

Polling Station Manager has the right to reduce the number of observers present at the station, if necessary, in order to maintain order.

## CODE OF CONDUCT

All observers and candidate agents shall abide by the laws and Codes of Conduct for observers and candidate agents:

- Comply with all laws and regulations issued by the Commission, relevant national legislation, the Code of Conduct for International Election Observers.
- Exercise their activities in a professional manner, and comply with all instructions issued by officials.
- Respect the rights of voters and candidates to participate in the election and to freely express their views.
- Respect the laws and the authority of election officials, keep order, respect the customs and culture of the host country. At all times, maintain professionalism, even when off-duty.
- Not to interfere or obstruct the electoral process in any way.
- Be committed to impartiality throughout the entire electoral process and not to influence voters, candidates or public officials. Draw accurate conclusions and judgments from factually verifiable evidence.
- Not to be involved in election campaign of any candidate throughout the observation process.
- Not to interact with voters inside the polling station during polling, not to wear or carry any logos, colours or symbols similar or identical to any of those used by running election candidates.
- Visibly carry accreditation cards while observing.
- Not to photocopy any materials without prior permission, not to take pictures that may affect the secrecy and integrity of the polling.
- Report any abuses and violations that may impair the integrity of the electoral process.
- Refrain from attempting to provide guidance or information to people involved in the electoral process and from providing interpretation of the applicable law. Refrain from attempting to adjudicate disputes.

I promise herewith to respect and comply with all provisions set forth in this Code of Conduct.