

Terms of Reference for Core Team members of the EU EOM to Colombia Presidential Elections 27 May 2018

The present terms of reference offer selection criteria for the Core Team (excluding the Deputy Chief Observer whose Terms of Reference are published in a separate call) of the European Union Election Observation Mission to Colombia. In addition to the Chief Observer and the Deputy Chief Observer, the Core Team is composed of eight experts, whose individual terms of reference are outlined below.

Preliminary remarks

1. *European Union Election Observation Missions (EU EOMs) are independent in their findings and conclusions, but must, at all times, adhere to the standard EU methodology for election observation in both, political/electoral and implementation/security matters, as outlined in the “Handbook for European Union Election Observation.”¹ EU EOMs must follow standard guidelines, models and practices as specified by the European Commission. All mission members must follow the EU Code of Conduct for election observation, as well as adhere to the UN “Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers”²*
2. *The Core Team is an essential component of EU EOMs. The respective roles and responsibilities of all retained experts is a key element of a successful mission. All members of the Core Team must be experienced in election observation or related activities, fluent in the working languages of the mission, and be able to work cooperatively in a team. Experience and training within EU missions and initiatives will be considered an asset.*
3. *Please note that due to the evolving context of elections, the following Terms of Reference offer a general overview of the requested job profiles that is potentially subject to changes. The final version including the detailed description of the final profiles and responsibilities of each analyst/expert will be provided in the contract.*
4. *All Core Team members are required to participate in EU EOM briefings and debriefings organised by the European Commission and EEAS. These activities are an integral part of the mission.*

The working and reporting language of the mission will be English and Spanish.

Interim reports will be submitted in English.

Final report will be submitted in English and Spanish

¹ http://ec.europa.eu/europeaid/what/humanrights/election_observation_missions/documents/eu_election_observation_handbook_en.pdf

² http://ec.europa.eu/europeaid/observer/declaration_of_principles_code_of_conduct_fr.pdf

CHIEF OBSERVER (CO)

The CO has the overall responsibility for the EU EOM. S/he is commissioned directly by the European External Action Service (EEAS) and the European Commission. The CO's duties, tasks and responsibilities are detailed in the annex attached to her/his contract.

DEPUTY CHIEF OBSERVER (DCO)

As a Special Adviser to the High Representative for Foreign Policy/Vice President of the European Commission (HR/VP), the role of the DCO is to assist the Chief Observer in the conduct of the EOM and in managing its core team. The DCO also replaces the Chief Observer whenever absent, including in the diplomatic and media contacts essential to the functioning of the EOM. The DCO will be present in the field during the full duration of the mission as well as its preparatory, winding-down phases and final report presentation.

(1) POLITICAL ANALYST

The Political Analyst is responsible for conducting a political assessment of the electoral process and will provide information concerning the historical, cultural and political background on the country as well as on- going developments. S/he will work under the supervision of the CO and DCO.

S/he will:

1. Undertake comprehensive political analysis of the electoral process and gain broad understanding of the political context in which the elections are being held;
2. Hold meetings with political parties, candidates and political analysts in coordination with the DCO on a regular basis throughout the deployment of the mission;
3. Maintain close relations with domestic observer groups and civil society organizations (NGOs) involved in the electoral process at both the central and regional levels;
4. Provide assessment and background knowledge and material on a wide range of interlocutors including candidates, political parties, state authorities, military, media groups, journalists, and decision-makers in the country;
5. Produce regular reporting on political developments for Core Team and observers and provide briefing, as required;
6. Develop a cultural awareness briefing for mission staff taking into consideration human rights, religious, customs and practices in relation to the electoral process. In conjunction with Operations and Security experts, brief mission members about culturally sensitive issues and the appropriate behavior to be adopted by observers in the course of their activities;

7. Support the DCO in developing the analytical framework and implementing the EU election observation methodology;
8. Participate in observer briefings, debriefings and Core Team meetings;
9. Contribute to the preparation of interim reports the preliminary statement and the final report. Contribute to the internal report, including suggesting any methodological improvements and information on possible areas of technical assistance;
10. Assess the approach of the political parties regarding the participation of women and minorities in elections within all levels of the election administration in coordination with the HR and Campaign Finance Analyst, and Election Analyst;
11. Perform other duties as required for the good functioning of the EU EOM.

(2) ELECTION ANALYST

The Election Analyst is responsible for assessing the performance of the election administration and other public authorities in the preparation and conduct of the electoral process. S/he will analyze the effectiveness of the relationship between the Consejo Nacional Electoral (CNE) and other administrative agencies and international technical assistance. The Election Analyst should coordinate closely and share information with the Observer Coordinator, the Data Analyst, and the Legal/Human Rights, Political, Campaign Finance and Media Analysts. S/he will work under the supervision of the CO and DCO.

In particular s/he will:

1. Assess implementation of the national election legislation, at the level of the national election commission and other governmental bodies responsible for administering elections, concerning, in particular, the delimitation of constituencies, the voter registration, the political party registration, the candidate registration, and the polling, counting and tabulation of votes;
2. Assess the performance of the election administration and other governmental bodies responsible for administering elections concerning technical preparations for the election;
3. Assess the potential for electoral violence during/after the electoral process;
4. Attend sessions of the election administration, follow the issues on its agenda, and provide the EU EOM with information about the meetings and complaints brought to the election administration;
5. Assess the performance of the election administration, the extent of its effectiveness, independence, impartiality and transparent operation, and the degree to which it has the confidence of election stakeholders;

6. Assess the election administration's capacity, in relation to voter education initiatives, training of election officials, material production and distribution. Assess the role and participation of women and minorities in the country, and other human rights issues, as required by the DCO and in coordination with other Core Team members;
7. Maintain regular relations with election analysts in other international observation missions;
8. Conduct regular meetings with election analysts from NGOs (domestic and international) involved in the electoral process. Liaise with domestic observers groups;
9. Support the DCO in developing the analytical framework and implementing the EU election observation methodology;
10. In consultation with other Core Team members, prepare STO report forms, ensuring that the information gathered can be processed effectively;
11. Coordinate, with the Data Analyst, the analysis of the data contained in observer report forms;
12. Brief mission members on important issues in their areas of responsibility;
13. Participate in observer briefings, debriefings and Core Team meetings;
14. Contribute to the preparation of weekly reports, the preliminary statement and the final report.
15. Contribute to the internal report, including suggesting any methodological improvements and information on possible areas of technical assistance;
16. Perform other duties as required for the good functioning of the EU EOM;

(3) LEGAL and HUMAN RIGHTS ANALYST

The Legal/Human Rights Analyst is responsible for providing an analysis of the legal framework governing the elections in the Republic of Colombia in accordance with international and regional commitments and obligations applicable to democratic elections, taking into consideration the country's legislation and regulations related to elections. S/he will analyse processes related to petitions and election offences. This will include looking at the role of the judiciary, the police, and the election administration. S/he will also look at political party registration, political finance regulation and enforcement, and candidate registration. The Analyst will take into consideration Colombia's international and regional commitments in promoting human rights, minority and gender equality. The Legal Analyst should coordinate closely and share information with the Election, Political/Campaign Finance and Media

Analysts. S/he will support Core Team colleagues in their use of international law related to elections. S/he will work under the supervision of the CO and DCO.

S/he will:

1. Have acquired solid grasp of the legal and regulatory framework for elections, as well as international and regional commitments and obligations applicable to democratic elections. In this context the “Compendium of International Standards for Elections” is an important background document;
2. Assess the role and participation of women and minorities in the country, and related human rights subjects, as required by the DCO and in coordination with other Core Team members;
3. Assess the participation of women and minorities in the electoral process & evaluate the approach of the election administration with regards to women and minorities, the registration of women and minorities as voters and the representation of minorities at all levels within the electoral administration);
4. Ensure that the Chief Observer and Core Team members are aware of international and regional commitments and obligations for elections, including those under ICCPR, UNCAC, CEDAW, ICERD, CRPD as well as regional instruments;
5. Comprehensively analyse national legislation, in particular concerning universal, equal and secret suffrage, right to vote and to stand as a candidate, conditions for the exercise of fundamental freedoms of expression, association, assembly, movement, the right to life, the prohibition against torture, the right to a fair and public hearing, constituency delimitation, election administration, voter registration, political party registration, campaign finance (in conjunction with the Political and Campaign Finance Analysts), candidate registration, campaign, media (in conjunction with the Media Analyst), voting, counting and tabulation, complaints and appeals;
6. Assess legislative amendment proposals for consistency with international law, good practice;
7. Assess compliance of national legislation with Colombia’s international and regional commitments and obligations for democratic elections;
8. Assess electoral legislation from a gender perspective, in accordance with applicable international conventions (CEDAW), focusing in particular on the participation of women and socially vulnerable people and special needs groups. Assess whether election legislation is respected in practice, allowing all persons to enjoy internationally guaranteed rights;

9. Contribute to the EU EOM assessment of whether the elections are conducted in accordance with the legal framework as set out in national legislation as well as international and regional commitments and obligations for elections;
10. Assess and analyse legal aspects of the activity of the judiciary/election administration, in particular:
 - The capability of the judiciary/election administration in implementing the legal framework consistently;
 - The role of the judiciary/election administration in dispute resolution and election process supervision;
 - The conduct and effectiveness of complaints and appeals processes;
11. Log, categorise and maintain in a database key election-related petitions and appeals, filed by parties and candidates;
12. In coordination with the Political Analyst, Campaign Finance Analyst and the Media Analyst, monitor closely any arrests or detentions impacting fundamental rights underlying elections and the circumstances surrounding such arrest/detentions;
13. Attempt to record, assess and analyse election-related arrests, investigations and prosecutions. This includes looking at the respective roles played by the police, election administration and courts;
14. Meet regularly with judicial and other relevant bodies, and attend court hearings relating to petitions, appeals and electoral offence charges;
15. Liaise with international organisations and agencies as well as with domestic NGOs specialised in legal, human rights, minority and gender issues;
16. Analyse, summarize and share with other CT members and the Long Term Observers (LTOs) reports and suggest specific tasks for the LTOs concerning those specific topics;
17. Participate in observer briefings, debriefings and team meetings;
18. Contribute to the preparation of interim reports, the preliminary statement and the final report. Contribute to the internal report, including suggestions of methodological improvements and information on possible areas of technical assistance;
19. Perform any other duties required for the good functioning of the EU EOM;

(4) CAMPAIGN FINANCE ANALYST

Under the guidance of the Deputy Chief Observer and in close coordination with the Political, Legal, Media, Election analysts and the Observers' Coordinator, the Campaign Finance Analyst

will conduct a framework analysis regarding the regulation in Colombia of political finances in general and of campaign finances in particular and assess the situation regarding political party and candidates' campaign financing in line with international standards for genuine democratic elections and national legislation. Particular attention should be given to the abuse of state resources. The expert should provide recommendations on this topic in the EU EOM final report as well as methodological advice on how to include campaign finances' observation within the framework of an EU EOM (internal report).

S/he will:

1. Be familiar with relevant EU publications such as the EU Election Observation Handbook, and the Compendium for international standards;
2. Be familiar with international and regional obligations, commitments, and best practice, relevant for political finances in Colombia;
3. Acquire knowledge of the Colombian election laws and all other national legislation relevant to political finance;
4. Acquire knowledge of the political party landscape, campaign modus operandi, as well as of the election administration structure and the role of the judiciary in campaign finances;
5. To the extent it is feasible in the context of an EU EOM, monitor and analyze the use of State resources to determine whether it is an hindrance to the level playing field;
6. To the extent it is feasible in the context of an EU EOM, analyze a sample of CVs of candidates published at the CNE website, with the purpose to map their criminal records, sentences or pending judicial charges due to corruption, narco- trafficking or other illicit activities. If viable, in collaboration with the Data Analyst design a database to analyze and confront the collected data.
7. Monitor the enforcement and compliance of the reporting requirements;
8. Assess the Electoral Institutions Bodies capacity and role in campaign finance;
9. Monitor complaints and appeals related to campaign finances, in particular the way they are dealt with by the competent authorities (deadlines, appropriate sanctions, enforcement mechanisms, etc.);
10. Follow the monitoring of campaign finances used by domestic observers' groups; Establish coordination mechanisms with domestic and other observers working in this field;

11. Under the supervision of the DCO, liaise with the Political, Media, Election and the Legal analysts. In particular when meeting with political parties and candidates and with the election administration.
12. Under the supervision of the DCO, and in coordination with the Observers' Coordinator and the Political analyst, develop questionnaires and relevant observation tools for LTOs and LSTOs;
13. Elaborate a questionnaire for LTOs on political campaign matters and in collaboration with the Data Analyst design a database to collect observer's inputs.
14. Participate into Core Team meetings, briefings and debriefings as required by the DCO.
15. Participate to LTOs and LSTOs' briefings and debriefings.
16. Assess political party and campaign financing, in particular with regards to the transparency, fairness and impartiality of the campaign funding system, as well as to the impartiality and effectiveness of the control and enforcement mechanisms. In performing this assessment, the campaign finance analyst should endeavour to answer the following questions:
 - Does the legal framework provide an adequate basis for the effective regulation of campaign finance, requiring transparent disclosure of both income and expenditure?
 - Does the law specify an official period of the campaign during which limits on donations and spending are in force? Do parties/candidates concentrate spending prior to the official campaign period?
 - Are the responsibilities of the body in charge of enforcement of campaign finance regulations clearly stated in the law and does this body have effective means of control and enforcement?
 - Is public financing available for the ongoing activities of political parties? Is special funding available for the campaign? What is the criteria for parties/candidates to receive public funding – is spending reimbursed to those candidates/parties who meet a threshold of support in the election? Is public funding provided on an equitable basis?
 - What are the reporting requirements for political parties and candidates and are they respected? What are the sanctions for non-compliance? Are the reports open to public review?
 - Are there campaign spending limits and are they set at a reasonable level that allows contestants to conduct a lively, informative campaign while still complying with the regulatory framework?
 - Are regulations on campaign financing, including limits on spending, implemented and enforced in a consistent, impartial and effective manner?

- Is the use of state resources permitted? Are state resources used to the advantage of one or more political contestants? Is there a clear regulation preventing public servants from participating in a campaign in their official capacity?
- Are civil society organisations monitoring campaign or political finance?

(5) MEDIA ANALYST

The Media Analyst is responsible for conducting an assessment of the media coverage during the election period, as well as making an assessment of the overall media environment. S/he will work under the supervision of the CO and DCO.

S/he will:

1. Identify the most important media outlets to be monitored in terms of distribution, audience, ownership and impact;
2. Establish the methodological framework for monitoring the most important media outlets;
3. Set up a media monitoring unit, including both staff recruitment and training, technical set up and management;
4. Coordinate media monitoring conducted by LTOs in their areas of responsibility;
5. Monitor the media coverage of the EU EOM;
6. Assess whether the media, both public and private, provide balanced coverage of the election campaign in accordance with the existing legislation, using both quantitative and qualitative analysis;
7. Assess the tone of the media coverage of the campaign including recording any statements that “go beyond acceptable limits”;
8. Assess the quantity and range of official voter information items distributed in the media;
9. Assess the coverage of women and minorities issues in the media, the access of women and minorities to the media, and other human rights issues coverage, as required by the DCO and in coordination with other Core Team members;
10. Evaluate the freedom of speech in the media and their ability for pluralistic political expression;
11. Assess the media related legal framework and codes of conduct;

12. Assess any complaints directed by political parties against the media;
13. Assess the legal mechanisms to handle media related complaints including the performance of media regulatory bodies during the elections;
14. Collate and analyse all material available on opinion polls;
15. Maintain contact with civil society groups engaged in media monitoring, especially in regard to the public broadcasters and other media;
16. Ensure that findings of the media monitoring are communicated regularly to LTOs;
17. Advise the CO and DCO on strategies to achieve maximum visibility for the EU EOM;
18. Prepare in coordination with the Security Expert, daily briefings on election and political violence;
19. Participate in briefings, debriefings and Core Team meetings;
20. Contribute to the preparation of weekly reports, the preliminary statement and the final report. Contribute to the internal report, including suggesting any methodological improvements and information on possible areas of technical assistance;
21. Perform other duties as required for the good functioning of the EU EOM;

(6) PRESS OFFICER

The Press Officer is responsible for organizing the EU EOM's communication and public outreach strategy, handle relations with the media, and organize the EU EOM's press conferences. S/he will work under the supervision of the CO and DCO.

S/he will:

1. Advise the CO and DCO on strategies to achieve maximum visibility for the EU EOM in the national and international media at all stages of the Mission's deployment.
2. Develop an overall public outreach strategy making use of traditional and social media, networks of non-governmental organisations, political parties, universities etc.
3. Establish and maintain contact with the local and international media.
4. Prepare a comprehensive press distribution list for both local and international media.
5. Monitor the impact of the EOM's public outreach strategy on traditional and social media, in cooperation with the media analyst.

6. Prepare (or receive from another institution/organisation) a basic daily media digest of political and election related items for the EU EOM.
7. Ensure that “EU Visibility guidelines for external actions” are followed.
8. Coordinate the development of the mission website and accounts on social networks as well as of mission related audio-visual material, in terms of design and contents. This task should be done in cooperation with all other mission members and in close coordination with the European Union institutions in Brussels, ensuring the widest possible outreach through the EU's social media channels (press and communication services in Brussels and in the EU Delegations).
9. Prepare a “Mission Factsheet” to explain the mandate and objectives of the EU EOM to the general public.
10. Assist the CO and DCO in the preparation of media interviews, press releases and press conferences, as instructed by CO/DCO.
11. Ensure, where appropriate, the translation of the relevant information and documents issued by the EU EOM to the public.
12. Ensure that the public outreach strategies are gender and minority (ethnic groups/ marginalised communities) sensitive.
13. Ensure maximum distribution of the EU EOM’s press releases, preliminary statement and final report both locally and internationally.
14. Ensure that EU EOM press releases and statements are communicated regularly to observers.
15. Participate in briefings, debriefings and Core Team meetings.
16. If requested by the CO, DCO or the European Institutions, prepare drafts of interim reports, the preliminary statement, and the final report ensuring that the EU guidelines are carefully and rigorously followed and that the quality of language is of the highest possible standards. Contribute to the internal report, including suggesting any methodological improvements and information on possible areas of technical assistance.
17. Perform other duties as required for the good functioning of the EU EOM.

(7) OBSERVER COORDINATOR

The Observer Coordinator is responsible for coordinating the activities of observers and providing the link between the field and the Core Team. S/he will work under the supervision of the CO and DCO.

S/he will:

1. In coordination with other Core Team members and the Service Provider (including Operations and Security Experts), ensure the highest possible quality of observer briefings and debriefings and that the necessary arrangements are properly prepared: organise the meetings, developing session agendas, ensure that observers understand the EU observation methodology, identify and select the relevant speakers, prepare the necessary materials for observer briefing and debriefing sessions, ensuring that observers will be provided with quality information on the European Union, its goals, institutions and composition, its foreign policy, particularly the EU election support policy, the European

Instrument for Democracy and Human Rights (EIDHR) and the European Commission role in electoral assistance and election observation;

2. Ensure that all observers are fully aware of the EU EOM Codes of Conduct (including guidelines on harassment) and the consequence of failing to abide by them. In case any problem arises (eg. harassment allegations, inappropriate behaviour) immediately inform the DCO.
3. Ensure full compliance with the methodology as outlined in the Handbook for European Union Election Observation;
4. Under guidance of DCO, in coordination with the Service Provider (in particular operation and security experts) draw, plan and organise the deployment and movements for LTOs and STOs/LSTOs/ European Parliament Delegation in a manner that ensures representative observation coverage and takes into account security considerations;
5. Inform observers of activities of the election authorities and on programmes developed at central level by civil society organisations and instruct them on their possible impact at local level, as well as the level of coordination desirable with these groups; liaise with observers in the field and brief the teams on a regular basis (daily, whenever possible) regarding important issues identified by the Core Team and the Service Provider which affect their activities;
6. In consultation with other Core Team members, prepare LTO report forms, ensuring that the information contained can be processed effectively. Ensure the distribution and collection of the observer reporting forms;
7. Ensure that observer report formats adequately tackle human rights, women and minorities issues, as required by the DCO;
8. Receive, analyse and carefully summarise observer reports for the CO and notify the Core Team members and the Service Provider of specific issues within their areas of responsibility as identified by the observers;
9. Prepare weekly summaries of reports received from observers;
10. Carefully and rigorously catalogue all irregularities reported by observers throughout the deployment period on a database, for use in weekly reports, the preliminary statement and final report and inclusion as an annex to the final report;
11. Coordinate with the Legal/Election Analyst and the Data Analyst the development of a database for Election Day and provide corresponding information and training to observers on statistical data collection;

12. Provide technical assistance to the Data Analyst and/or the Legal/Election Analysts in preparation of the statistical analyses based on observation data collected by observers;
13. Ensure that evaluations follow European Commission guidelines. Include the evaluations in the roster as indicated by the European Commission;
14. Provide the Commission with all LTO evaluations, STO certificates, LTO and STO End of Mission reports in line with the Commission guidelines. Provide the Commission with a comprehensive synthesis of all evaluations, certificates and End of Mission report before the closure of the mission;
15. Ensure that all evaluations are signed by observers, the Observer Coordinator and the DCO, that they are updated in the EU EOM roster (the Observer Coordinator will sign a letter of confidentiality on the information obtained in the roster);
16. Coordinate, in cooperation with the DCO, the integration of locally recruited diplomatic STOs, observers from non EU member states and MEP delegations in the EU EOM;
17. Prepare summaries of the main observer findings for the preparation of EU EOM interim reports, the preliminary statement and the final report;
18. Coordinate and draft, under the guidance of the DCO and with the contribution of other analysts, and based on evaluations from observers, the internal final report, including feedback on individual terms of reference for each analysts and for observers, modus operandi of the mission, lessons learnt and good practices, and suggestions for methodological improvements and information on possible areas of technical assistance;
19. Perform other duties as required for the good functioning of the EU EOM;

(8) DATA ANALYST

Data Analyst is responsible for preparing the necessary computer software for analysis of observation data collected by observers during the EU EOM. S/he will be present in Colombia around the Election Day (and for the second round) and will provide a statistical analysis of observation reports.

S/he will:

1. Contribute to the design and content of observer report forms ensuring that the information contained can be processed effectively by a computer programme;
2. Prepare a computer software to analyse data collected by observer teams;
3. Ensure the security of data and make necessary back-ups;

4. Train and supervise data entry clerks;
5. Analyse data and information provided by mission members;
6. Prepare reports and summaries of the key observation data and findings;
7. Knowledge of Election Technologies is an asset.
8. Perform other duties as required for the good functioning of the EU EOM;