

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

OSCE Human Dimension Implementation Meeting

Warsaw, 21 September – 2 October 2015

Working Session 9 – Democratic institutions – Democratic elections

Contribution by the Council of Europe

Election assistance

I. In brief

The implementation of assistance programmes in the field of elections by the Council of Europe has been developed in complementarity to the international observation mandate of the Parliamentary Assembly. Since the early 90s, the Council of Europe has:

- elaborated standards for elections related to legislation and its implementation, notably through the Venice Commission, and advised member States on reforms in this field, on the basis of the ECHR and the ECtHR case-law;
- developed considerable experience in working with the Central Electoral Commissions and civil society to support participation in elections and in the political life of citizens, with special emphasis on women, first-time voters and minorities;
- placed particular emphasis on the role of media and domestic observers during the electoral process and the exercise of the right of freedom of expression as enshrined in the ECHR.

Electoral programmes are elaborated to take into account the recommendations of international observers' missions, notably from the Parliamentary Assembly of the Council of Europe and ODHIR.

II. Background

Free and fair elections are the cornerstone of democracy and the pre-condition for the legitimacy of democratic institutions. As such, they are the main requirement for the membership of the Council of Europe and the starting point of the country's relationship with the Organisation, be it as a potential member (e.g. Belarus) or as an external partner (e.g. Tunisia or Morocco). However, in recent years, electoral frameworks and practices in member states have been questioned and have at times led to conflictual situations

and/or political deadlocks. The role of the Council of Europe, with its standard-based approach, has been requested more and more by the countries concerned in order to enhance their ability to perform quality elections fully in line with European standards.

The work related to elections is an integral part of the “democracy pillar” of the Council of Europe’s work programme. It is complemented by the work on civil society, governance structures and participation.

III. Comparative advantages and added value

In this area the Council of Europe can provide:

- An extensive and recognised set of standards, starting with Article 3 of Protocol No. 1 to the European Convention on Human Rights guaranteeing the right to free elections, the Code of good practice in electoral matters aimed at promoting the harmonisation of electoral norms and at serving as a reference for evaluating elections, the Code of good practice for referendums, and the Report on electoral law and electoral administration in Europe, which identifies recurrent challenges and weak points in electoral legislation and electoral administration in Europe in the light of the relevant international standards and good practices.
- Reference bodies such as the Venice Commission and the Council for Democratic Elections, whose aim is to ensure co-operation in the electoral field between the Venice Commission as a legal body, and the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe as political bodies in charge of election observation.
- Pre-electoral programmes devised with the full participation of the country concerned, and agreed upon by the Committee of Ministers, thereby enjoying high political support.
- Implementation monitored through a multilateral, collective system of peer pressure which can increase the chances of compliance.

The Council of Europe **works closely with international and local NGOs** and the civil society sector which allows information regarding the situation in member states to be gathered and regularly updated and, when necessary, measures to be taken to improve the implementation of the Organisation’s standards.

This comprehensive approach to the electoral process, including in addition to expertise for the elaboration of the legal framework and its implementation, capacity building of the electoral administration at all levels, support to participation with specifically identified population targets and enhancing the respect of principles for media coverage of the electoral campaign, aims to establish an overall political atmosphere in which the electoral process can take place objectively and lead to the building up of trust between citizens and democratic institutions.

Through its intergovernmental work and the twenty-year experience in the field of electoral assistance, the Council of Europe has developed a **substantial network** of expertise drawn upon from a variety of countries, both old and newer democracies, from the governmental, academic and civil society sectors, which represent a rich range of references to feed the electoral reform process in the countries concerned.

IV. Geographic and thematic contextualisation

a. Programmes by country

Bosnia and Herzegovina (BiH):

Since 2011, the Council of Europe has been working to increase the participation of women and youth in public and political life in Bosnia and Herzegovina, notably in the election process. From October 2013 to December 2014, it has been implementing the second phase of the project “Strengthening Accountability of Women and Young Political Leaders in Bosnia and Herzegovina”. For the 2014 general elections, the Division of Electoral Assistance and Census implemented a pre-electoral assistance programme in order to address a number of outstanding issues in the field of equality of vote, transparency, integrity and accountability of campaign finance system and voters’ awareness in order to ensure greater representation of women in political life and to fight group/family voting.

The pre-electoral assistance programme focused on three main pillars:

1. Capacity building of the Central Election Commission;
2. Awareness raising of women voters and candidates;
3. Awareness raising of first-time voters.

The programme was implemented in close co-operation with the Central Election Commission on the basis of a Memorandum of Understanding (MoU) with the Council of Europe Office in Sarajevo signed on 19 March 2014. Events to increase awareness of first-time voters were organised in co-operation with the NGO Association of Election Officials of Bosnia and Herzegovina.

Georgia

In 2014, the Council of Europe assisted Georgia with a pre-electoral programme for the local elections on 15 June 2014. The programme ahead of these elections focused on three main pillars:

1. Capacity building of the Central Election Commission;
2. Awareness raising of women candidates to local councils;
3. Enhance Election Monitoring and Reporting Capacities of NGOs.

It was implemented in close co-operation with the Georgian authorities (Central Election Commission – CEC, Ministry of Justice – MoJ, State Audit Office - SAO, Inter-Agency Task Force - IATF) and civil society organisations. Synergies were ensured with international and domestic stakeholders involved in the political and electoral process (International Society for Fair Elections and Democracy – ISFED, National Democratic Institute – NDI, International Foundation for Electoral Systems – IFES, Transparency International – TI and the European Platform for Democratic Elections – EPDE).

Albania

Following the objectives and expected results identified in the Albania programmatic co-operation document 2015-2017, the initial focus of the programme to support the 2015 local elections was to reinforce the capacity of the electoral administration in a sustainable way in order to organise and run the electoral process.

The programme focused particularly on:

- assistance in the drafting of the rules of procedure of the Central Electoral Commission (these rules were adopted on 8 April 2015). This is the follow-up to the long-term assistance the Venice Commission (CDL) to the CEC at the occasion of the 2014 parliamentary elections. The rules of procedure could not be adopted in 2014 due to the incomplete composition of the Central Electoral Commission;
- a number of activities aimed at enhancing the training capacities of the Central Election Commission, with a view to increasing the professionalism of Election Commissioners at the level of the Commission of Electoral Administration Zone (CEAZ), Voting Centre Commission (VCC) and Ballot Counting Centres (BCC);
- the organisation of a study visit to another European country with relevant experience to the Albanian Central Election Commission, as well as a set of specific measures to contribute to the implementation of the newly adopted Central Election Commission's decision "On the unification of the practice of evaluation of ballots papers".

Joint activities have been organised with the OSCE PiA with the aim to set up a School for Election Commissioners. A new concept is available for discuss among electoral stakeholders.

Moldova

In Moldova, two pre-electoral assistance programmes were carried out: one ahead of general elections of 30 November 2014 and another on local elections held in June 2015. Both programmes focused on four main pillars as mentioned below with a particular focus on strengthening the capacities of women candidates in local elections:

1. Capacity building of electoral stakeholders
2. Media monitoring
3. Enhancing election monitoring and reporting capacities of NGOs
4. Voters awareness raising

The implementation of the programme was carried out in close co-operation with the Central Election Commission (CEC), the Coordinating Council of Audio-visual (CCA), the Centre for Continuous Electoral Trainings under the CEC (CCET), the National Institute of Justice (NIJ) and with important input from the civil society organisations. Each programme was concluded with a post-election conference to which OSCE ODIHR was invited to present final conclusions of the EOM observation reports.

Ukraine

In the framework of co-operation with Ukraine – Immediate Measures Package (2014), the Division of Electoral Assistance and Census implemented a pre-electoral assistance programme for the Presidential elections of May and the Parliamentary elections scheduled for October. This programme aimed at raising civic observers' awareness of international and European standards of observation and reporting, and at raising awareness of election disputes practices and improving them.

Three training of trainers were offered with a view to increasing the capacity of domestic election observers to monitor and report on the Presidential elections, which enabled the training of a total of 4,137 domestic observers.

For the local elections of 25 October 2015, the Division of Electoral Assistance has started a new project that aims *inter alia* at raising awareness of voter bribery, political corruption, training for law enforcement, monitoring of gender representation in elections and campaign finance monitoring.

b. Recommendation Rec(2004)11 on legal, operational and technical standards for e-voting

The Council of Europe continues to be the only organisation in Europe dealing with intergovernmental standards in the field of e-voting. The CM Recommendation Rec(2004)11 on legal, operational and technical standards for e-voting remains the only source of reference on the subject, and is even used in national jurisprudence, as well as by other relevant international actors.

Since its adoption, the Recommendation has been subject to biennial review meetings.

The fifth review-meeting on the Recommendation took place in Lochau (Austria) on 28 October 2014 and adopted a call to the Council of Europe to update the Recommendation, a process that is currently under way. A new draft revised recommendation should be available by the end of 2015.

Contact:

François FRIEDERICH, Head of Electoral Assistance and Census Division

francois.friederich@coe.int

<http://www.coe.int/t/DEMOCRACY/ELECTORAL-ASSISTANCE/>