

Working Session 17 (democratic institutions)  
9 October 2008

### The Implementation of OSCE HD Commitments in the Field of Elections and Citizenship by Austria<sup>1</sup>

**National parliamentary elections** took place in Austria on 28 September 2008. For the first time, a **full OSCE observation** was possible and invited to, accordingly. This was made possible through a revision of the Austrian election law which entered into force on 1 July 2007.

For the first time, too, the **franchise was lowered to the age of 16**, and **general world-wide postal voting** was instituted, for which a simple method was chosen, *i.e.* a simplified method than already in force since 1990 in regard to voting from abroad. The voter had only to make a written statement that he/she had cast his/her vote in person and private. Such declaration is necessary as Austrian law contains the principle of the personal casting of the vote.

Overall participation went up to 79% and participation by expatriates increased by 50%. This demonstrated that simple, safe and trusted postal voting increases or at least stabilizes participation at elections.

Austria is about to take another step with regard to **e-voting**. While legislation at present does not allow for e-voting at first tier elections - those to general elected representative assemblies at all levels and to the office of the head of state -, legal provisions on e-voting are already in force with regard to a number of second tier elections, *i.e.* those of public law bodies with automatic membership, *e.g.* the Federal Chamber of the Economy, the Federal Chamber of Employees and the Federal Union of Students (which, in Austria is not a private association).

It is planned, for the first time in Austria, to offer electronic voting - in the form of remote Internet voting (iVoting) - at the next election of the Federal Union of Students, in May 2009. Legislation in this regard implements the findings of the governmental commission of 2004 on ways and means of possible e-voting in Austria as well as the Council of Europe standards on e-voting, the *Recommendation Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting*.

At this first e-voting in Austria, international observation is foreseen. If this use of e-voting proves successful, further steps could be thought about, *e.g.* the testing of e-voting at first tier elections, by small groups of persons - like expatriates who strongly request e-voting in order to enhance their effective franchise.

On **citizenship**, OSCE commitments exist as laid down in the *Helsinki 1992 Decisions* and the (1999) *Charter for European Security*. Recommendations were made in this regard by the 2002 HDIM.

Austria early this year acceded to the (1954) *Convention relating to the Status of Stateless Persons*.

---

<sup>1</sup> delivered by Dr. Thomas M. BUCHSBAUM, Minister plenipotentiary, head of nationality and elections division, Federal Ministry for European and International Affairs, Vienna

Austria is preparing to sign and ratify the (2006) *Convention on the avoidance of Statelessness in relation to State Succession* (CETS No. 200). It concerns rules with a view to preventing or at least reducing to the extent possible, cases of statelessness arising from state succession. This is an important instrument as it was drawn up, by the Council of Europe, also in regard to OSCE concerns on statelessness in the course of state succession. Its gist does not lie only in relation to past developments but could very well also concern the future. It is thus a convention which warrants broad membership.

Austria is at present actively engaged in the drafting of a Council of Europe *recommendation on the nationality of children and on the avoidance of statelessness of children*. This is an issue of special importance, as it concerns one of the most vulnerable groups of society.

In this connection it is warranted to recall the (1997) *European Convention on Nationality* (CETS No. 166). It is the first codification of principles and rules related to nationality at European level and regards nationality as part of a person's identity and thus human right. It is open for accession also by non-member countries of the Council of Europe. At present, it counts 17 state parties and 11 more signatories.

Concluding, I would like to **suggest**, given the ongoing elaboration and signature of international instruments in the fields of nationality and statelessness and their particular relevance,

- **to recall these instruments to participating States, and**
- **to invite participating States to sign, ratify or accede to these conventions, as well as**
- **to fully implement these conventions and other international instruments and commitments on nationality and statelessness.**