

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

OSCE Human Dimension Implementation Meeting

Warsaw, 10-21 September 2018

Working Session 1: democratic institutions

Democratic Governance

Contribution of the Council of Europe

Responsive, transparent and accountable institutions are the bedrock of democracy. Council of Europe member States are committed to the fundamental principles of political democracy – individual freedom, political liberty and the rule of law – and engage in dialogue and action in favour of “the maintenance and further realisation of these ideals and in the interests of economic and social progress”.

Through its European Charter of Local Self-Government, the Council of Europe has laid the foundations of solid local self-government standards across Europe. To date, all 47 Council of Europe member States have subscribed to the principles of the Charter, are implementing it and are subject to the regular monitoring by the Congress of Local and Regional Authorities. In order to promote transparent and responsive local democracy, the Charter was supplemented in 2009 by an Additional protocol that fosters citizen participation in public life at local level. The Strategy for Innovation and Good Governance at Local Level, adopted by the Committee of Ministers in 2008, encourages member States to implement the twelve principles of good democratic governance through targeted action at local level with the direct involvement of local authorities themselves.

In the field of democracy and governance, the **intergovernmental Committee on Democracy and Governance (CDDG)** acts as a forum where member States can exchange information and good practice and engage in constructive partnerships through peer reviews, direct assistance and the development of new standards.

One of the major fields of action continues to be the design and proper implementation of legislation and policy for central, local and regional government reforms, including in respect of territorial administrative reforms, competencies and resources of local authorities, governance of metropolitan areas and transfrontier co-operation. The CDDG deals more generally with

administrative reforms aiming at improving democracy and governance at all government levels. At present, it focuses on the development of standards and policies to promote the participation of citizens and NGOs in democratic decision-making processes, public ethics, supervision of local authorities' action and e-governance.

The Council of Europe's **Centre of Expertise for (Local) Government Reform** develops and implements programmes aimed at supporting legal reforms and the strengthening of the capacities of local, regional and central authorities throughout Europe.

The Centre has a repertoire of 20 capacity-building tools which take inspiration from the European standards and best practice in five areas: democratic participation; modern and effective human resource management and leadership; institutional capacity and quality public services; sound financial management; territorial and cross-border cooperation. All country-specific capacity-building activities are implemented in close cooperation with a broad spectrum of relevant national partners, including various governmental agencies, associations of local authorities and institutes.

Moreover, the Council of Europe continues to encourage the implementation of the **Strategy for Innovation and Good Governance at Local Level**. It is based on assessments of how local authorities conduct their affairs with regard to the 12 Principles of Good Democratic Governance, the identification of possible changes to be made and measures to be adopted and the establishment of partnerships between central (regional) authorities and local authorities (their associations) to promote good governance at every level. An ETool on Good Governance has been developed. This eLearning course is intended as a learning platform for the staff of local authorities striving to perform in accordance with the standards of good democratic governance in fields such as public ethics, rule of law, efficiency and effectiveness, transparency, sound financial management and accountability.

The Council of Europe attaches great importance to the establishment of effective synergetic **partnerships with other international Organisations** and other institutions that pursue objectives similar to those of the Council of Europe. The Council of Europe and the OSCE have a framework agreement of co-operation on local and regional democracy, aimed at streamlining and coordinating each Organisation's work on the promotion of sound and democratic decentralisation in south-east European countries. ODIHR attends CDDG meetings as observer and co-ordination meetings with ODIHR and OSCE field missions enable assessment of ongoing co-operation, exchange of information on the respective country projects and discussion of emerging issues with a view to identifying opportunities for joint action. The Council of Europe's network of partnerships in the field of good governance and democracy with international actors includes also the EU, UN, OECD and bodies such as the Council of European Municipalities and Regions, the European Association for Local Democracy and the European Association of Local Chief Executives etc.

www.coe.int/en/web/good-governance/

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Working session 1: Democratic institutions, including democracy at the national, regional and local levels, and democratic elections

Contribution by the Council of Europe

Addendum

Electoral assistance

I. General information

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 election process. Assistance and support are being provided through the projects on Strengthening Accountability of Women and Young Political Leaders in Bosnia and Herzegovina, pre-electoral assistance programmes 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, etc.

The pre-electoral assistance programme usually focuses on three main pillars:

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

The activities are 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.

Georgia

Since 2014, the Council of Europe assists Georgia through pre-electoral programmes. The programme ahead of the current elections focuses on three main pillars:

- Capacity building of the Central Election Commission
 1. - Awareness raising of women candidates
 2. - Enhanced Election Monitoring and Reporting Capacities of NGOs

The activities are 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). An overview of the activities and their costs appear in Appendix II.

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 elections was to reinforce the capacity of the electoral administration in a sustainable way in order to organise and run the electoral process.

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.

New programme of activities is currently under discussion.

Moldova

In Moldova, pre-electoral assistance programmes are carried out : since 2014. The programmes are focused on four main pillars as mentioned below with a particular focus on strengthening the capacities of women candidates in local elections:

- Capacity building of electoral stakeholders - Media monitoring
- Enhancing election monitoring and reporting capacities of NGOs
- Voters awareness raising

The implementation of the programme is 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 the conduct of a post-election conference to which OSCE ODIHR was invited to present final conclusions of the EOM observation reports.

Ukraine

The Division of Electoral Assistance keeps supporting the action towards more transparent, fair and inclusive electoral processes in Ukraine, further to previously implemented pre-electoral assistance programmes. Current action is focused on the media's role and raising civic observers' awareness on international and European standards of observation and reporting, and at raising awareness on election disputes practices and improve them.

More ambitious action is currently under consideration within the framework of the Council of Europe-Ukraine Action Plan.

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 able to set 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. Discussions in the Council of Europe's competent Rapporteur Group (GR-DEM) as well as a recent expert meeting on the Recommendation have also shown a growing consensus as to the need to update the present Recommendation, given newer technological and societal developments over time.

In this context, review-meetings on the Recommendation take place regularly. These meetings are aimed at taking stock of the latest developments in its implementation and practice by election authorities in Member States. It was recently decided to update the recommendation, a process that is currently being completed.

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