

**OSCE Human Dimension Implementation Meeting**

**Warsaw, 22 September – 3 October 2014**

**Working Session 1 -Democratic institutions – Democratic elections**

**Contribution of 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 election process. Since October 2013, it has been implementing the second phase of the project “Strengthening Accountability of Women and Young Political Leaders in Bosnia and Herzegovina”.

Based on recommendations made by international observers, the project addresses the under-representation of women and youth in politics by providing opportunities for them to enter into the public and political life of Bosnia and Herzegovina through political engagement as candidates, voters and political parties’ activists. This action complements the School of Political Studies’ annual programme, which encourages dialogue as a positive model for communication, understanding and effective co-operation.

## **Georgia**

In January 2012 the Council of Europe launched the programme “to support Georgia in view of the 2012 (parliamentary), 2013 (presidential) and 2014 (local) elections.” The programme is aimed at assisting Georgia in a full cycle of elections by addressing several elements of the electoral framework.

In 2012-2013, the programme focused on monitoring the work of the Voters List Verification Commission, training local public authorities on the use of public funds for electoral campaigns and on raising awareness of first time voters. In 2013 special attention was also given to the media, and a report was developed on the funding on political parties and campaigns which contained several proposals to increase the effectiveness of transparency and accountability in the country.

For the 2014 local elections, the activities focused on capacity-building by developing a module on dispute resolution for upper election commissions and an education programme on the misuse of administrative resources for local authorities, on enhancing election monitoring and reporting capacity of Georgian NGOs and on raising voters’ awareness, especially among women and first-time voters.

In addition to these targeted actions, the programme introduced a novelty that is the organisation of post-election conferences. The 2014 post-local elections conference held on 16 September focused on the democratisation of the media during the elections.

## **Moldova**

In Moldova, contacts have been developed with the Central Election Commission, the Centre for Continuous Electoral Training (CCET), the Coordinating Council of Audio-visual (CCA) and civil society organisations with a view to ensuring that the Parliamentary elections scheduled for 30 November will take place in a peaceful manner and in accordance with the principles of free and fair elections.

In the framework of the Action Plan to support democratic reforms in the Republic of Moldova 2013 - 2016, the programme is aimed at familiarising domestic observers with international standards through cascade trainings, exchanges and publication of best

practices. In view of the low participation of women and the limited number of elected women in Parliament, priority has been given to activities aiming at promoting the participation of women. Voter's awareness and in particular first-time voters also constitute a priority of the assistance programmes.

In addition, special attention has also been given to the Coordinating Council of Audio-visual, whose capacities have been increased with the secondment of an expert by the Council of Europe and with the organisation of a study visit to the French *Conseil Supérieur de l'Audiovisuel* (September 2014).

## **Ukraine**

In the framework of Co-operation with Ukraine - immediate measure package, 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 is aimed at raising civic observers' awareness on international and European standards of observation and reporting, and at raising awareness on election disputes practices and improve 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.

### **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, the fifth review-meeting on the Recommendation has been scheduled to be held in Lochau (Austria) on 28 October. The meeting will be aimed at taking stock of the latest developments in its implementation and practice by election authorities in Member States. It will be an opportunity to bring countries up to date regarding the latest developments on e-voting in Europe and also for entering into first discussions as to the content of the upcoming update of the Recommendation.

#### *Contact:*

François FRIEDERICH, Head of Electoral Assistance and Census Division

[francois.friederich@coe.int](mailto:francois.friederich@coe.int)

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