



Programmatic Cooperation Framework (PCF)

Thematic programme V.1: Electoral assistance: reforming electoral practice

Action 5: Reforming electoral legislation and practice, and developing regional co-operation in electoral matters

KICK-OFF FINAL REPORT

STRASBOURG, 16 FEBRUARY 2015

Background

The Council of Europe Division of Electoral Assistance invited representatives of its NGO network engaged in domestic election observation from Eastern Partnership (EaP) countries to attend a kick-off meeting in Strasbourg on 16 February 2015. The purpose of the meeting was to:

- introduce the new three-year regional programme (2015 – 2017);
- discuss the revision of the Council of Europe domestic observer handbooks on reporting and international standards; and
- consider the needs of EaP domestic observer groups that could be addressed through the programme.

Two CoE experts joined the proceedings to facilitate and contribute to the discussions. The list of participants and the agenda appear as annexes to the present report

Opening remarks

Ms. Claudia Luciani, Director of the Directorate for Democratic Governance opened the meeting. She noted the progress made on issues of electoral legislation and the professionalism of election administration in the EaP countries. Ms. Luciani further mentioned that citizens lack trust in the electoral process in many countries, and recognised the role that domestic observer groups can play in increasing public confidence. Ms Luciani encouraged the invited observer groups to promote citizen trust in the election process, and to identify common features among the EaP countries that the regional programme can address.

Mr François Friederich, Head of the Division of Electoral Assistance identified two main objectives for the kick-off meeting: 1) to get to know each other better and 2) to present the new CoE programme, that had been approved by the EU. Ms. Ana Rusu, Programme manager further explained that the new programme would extend the original phase one of the EaP programme, which was implemented from 2010-2013.

The new programme is part of the Programmatic Cooperation Framework (PCF), which would provide more flexibility in the project management. The main objective of the new programme is to revise the two Council of Europe domestic observer handbooks in line with the needs of NGOs and to create an e-learning tool for domestic observers in English and Russian languages that could also be translated into other languages of the EaP countries upon request. A study on causes of low participation of women in decision making position is also planned for 2015. As a general remark, the work of the Division of electoral assistance in 2014 was mentioned. In particular it has worked both OPORA in Ukraine, training 5,000 observers and with Promo Lex in Moldova, training 2,000 observers.

Presentation of NGO priorities

In the next session, NGO participants from each of the EaP countries provided an overview of their recent election observation activities and identified their organisation's priorities and needs.

Olha Aivazovska, OPORA (Ukraine) briefed participants on her organisations's recent observation of the presidential and early parliamentary 2014 elections. The parallel vote tabulation (PVT) provided confidence in the official results, which varied from the 5 exit polls. The successful use of SMS reporting allowed OPORA to publicise its PVT findings already the morning after elections. She noted the up-coming local elections in October 2015 and prioritised the following topics on which work needs to be done: legal reform (including electoral system design), awareness raising campaign and qualitative election monitoring.

Milena Zherdii, CVU (Ukraine) similarly provided an overview of recent observation of the presidential and early parliamentary 2014 elections, thanking the Council of Europe for its assistance in training observers. She noted the use of webinars to train long-term and short-term observers and welcomed the development of the Council of Europe e-learning course on the Handbooks, offering to assist in the Ukrainian translation and testing. In early parliamentary elections, CVU had focused on the Election Dispute Resolution (EDR) mechanisms providing a complaint form for parties to use. The consecutive publication of two reports in EDR mechanisms highlighted a lack of trust in the system with only 5% of EDR reviewed on the merits (due to very formalistic system of complaints). Ms. Zherdii stressed the need for more attention to women's participation, and welcomed assistance in this area.

Pavel Postica, Promo-Lex (Moldova) also expressed gratitude for the assistance provided by Council of Europe in training observers for 2014 parliamentary elections and also for the support on public reporting. Future priorities include: effective advocacy of legal reform (e.g. law on financing of political parties and campaign); training for the analytical team on the use of electronic technologies and on how to process statistical data; campaign finance and voter's lists oversight; enhancing public trust in elections through awareness raising and confidence building measures; exchange of international experience through existing European networks; and offering assistance to authorities on EDR through the training of judges, prosecutors and police.

Suren Saghatelyan, Transparency International (Armenia) shared the experience of monitoring Erevan municipal elections, including the use of SMS reporting, which TI hopes to deepen in future. Priorities of the organisation include: training on monitoring the misuse of administrative resources (lack of criminal liability), lack of observer access to the voter's lists, voting procedures, campaign finance, accountability of politicians and EDR. He further noted that political developments could soon lead to extraordinary parliamentary elections in Armenia.

Artur Sakunts, Vanadzor Helsinki Committee (Armenia) stressed the lack of citizen confidence in the electoral system and political parties, and the need to engage citizens between elections, especially youth. He also updated on a new draft law on civic organisations that would allow the government to interfere in the training and certification of citizen observers. He further noted that legislation allowed for an NGO or political party to be banned on the basis of one representative violating the law, allowing for provocations, and that rights previously provided to election observers had been curtailed. He requested the Council of Europe to consider the rights/role of citizen observers in light of international standards.

Levan Natroshvili, Transparency International (Georgia) explained that his organisation had begun advocating for legal reform in the run-up to 2016 general elections. He suggested the following priorities: more experience sharing between NGOs, and a focus on abuse of state resources and political party finance. He also expressed appreciation for the further elaboration of the Council of Europe handbooks.

Tamuna Bartaia, ISFED (Georgia) explained that last year the priority for her organisation has been the tracking of politically motivated dismissals, but now it is electoral reform. ISFED is advocating for the adoption of a fully proportional electoral system in place of the current mixed system, and has presented a concept note to governmental on its proposal. ISFED also prioritises increasing the capacity of election administration especially at the polling station level and women's participation.

Mr. Friedrich noted that the Venice Commission could issue an opinion on the proposal for electoral system reform, but only at the request of the authorities. He also noted training of women candidates in Georgia that had been supported by Council of Europe in the run-up to 2014 local elections.

Nahid Ismayilov, Election Monitoring and Democracy Studies Center (Azerbaijan) provided an update on the very difficult environment for NGOs in his country, noting the arrest of his two EMDS colleagues following the 2013 presidential elections. Recent legal changes require NGOs and donors to register any project with foreign funding, and 7 NGO leaders had recently been arrested. EMDS continues to monitor the human rights situation in Azerbaijan, publishing info on its website.

Mr. Friedrich acknowledged the very difficult circumstances in Azerbaijan and noted the Council of Europe found it impossible to support election assistance there, denying requests by the government to assist while NGO leaders are in jail. He pledged to continue support for civil society through regional initiatives.

Pavel Sapelko, Viasna Human Rights Centre (Belarus) explained that while election observation was not a core activity of Viasna, it regularly observed elections with Belarusian Helsinki Committee and believed it important to publicise electoral violations, as the CEC insists that there are no electoral violations in Belarus. Viasna welcomes Council of Europe assistance on training and e-learning.

Oleg Hulak, Belarusian Helsinki Committee (Belarus) explained that in Belarus there had been no change in political power since 1994, and both the citizens and authorities are used to this. In this environment, organisations like BHC are trying to restore interest of citizens in the electoral process, create legal awareness and bring back civic values. In the current situation of legal nihilism and citizen indifference it is not clear how such issues can be addressed.

Discussion on Revision of Handbooks

In the next session, Council of Europe Expert Dr. Marie-Carin von Gumpffenberg presented the results of the questionnaire on revisions of the Council of Europe domestic observer handbooks, which had been distributed to NGO representatives and international experts.

Report writing Handbook

First Dr. von Gumpffenberg presented results of the questionnaire on how to improve the domestic observer handbook on report-writing. Suggestions included: including sample forms, information on data collection methods, how to verify information, concrete best practice examples, better editing and layout and an evaluation of the use of the handbook.

An active discussion by participants followed, focused on the target audience of the handbook and whether to keep it focused on report-writing or expand the scope to include aspects of monitoring. Consensus of participants was that a focused handbook on report-writing provides a unique resource, that is otherwise unavailable to domestic observer groups, and that it should remain focused on report-writing and not be expanded. Data collection, internal reporting and possibly a few examples of observer forms could be usefully included, but information about monitoring specific aspects of the election process should remain separate. It was noted by several participants that several handbooks on monitoring various aspects of the election process already exist.

Regarding the target group of the report-writing handbook, participants agreed that it should be aimed at the analytical group in the headquarters responsible for collecting information and writing public reports. While the handbook should still be available for LTOs and STOs should they be interested, these observers have different needs and should not be considered a target group.

International Standards Handbook

Dr. von Gumpffenberg then presented results of the questionnaire on revision of the domestic observer handbook on international standards. The questionnaires included a number of suggestions for improving the handbook, including through the layout and inclusion of lists of relevant international and regional legal instruments relevant to elections. Better editing was also encouraged.

In the discussion, participants agreed that having a handbook for non-lawyers that provided an overview of the international and regional standards relevant for election observation was a useful contribution, that was not otherwise available. Participants suggested that the handbook remain focused on the issue of international standards, with expanded coverage in this area, including on case law of the European Court of Human Rights, and that other topics could be further edited. How to use international standards in report-writing could also merit more attention.

Some participants suggested that the handbook could also include a section on international standards (or 'guiding principles') for domestic observation in the EaP region. In this way the groups could promote standards for themselves and other NGOs in the region, touching on difficult

issues such as minimum conditions for the deployment of domestic observers and potential conflict of interest, that could help protect the credibility of European domestic observation, particularly when faced with government pressure or the increased observation of elections by government-affiliated NGOs, known as ‘GONGOs’.

Priorities for other regional activities

Council of Europe Expert Ms. Holly Ruthrauff led an active discussion among participants about what issues they would like to address in regional activities supported by the Council of Europe. While participants also noted that each EaP country has a different political context and therefore groups have different needs, they still acknowledged some areas of common interest where they could learn from the experiences of their colleagues in regional activities. Participants recommended that the Council of Europe look for synergies with other institutions and networks providing assistance on a regional level, to avoid overlap, and suggested that an online platform for exchanging ideas and resources would be useful for all of the groups. Participants also encouraged the Council of Europe to support domestic observer groups at a national level, similar to the coaching/mentoring that had been provided to Promo-Lex on reporting.

Priority issues for regional activities emerging from the discussion included: monitoring of party/campaign finance, misuse of state resources, communications and public relations, guidelines on security (IT, organisational and physical security) and advocacy techniques. While the context and regulatory frameworks for party and campaign financing differ between countries, issues of advocacy, communications and security are applicable to all organisations in the EaP region and could be prioritised.

Participants also suggested that a workshop to consider the constraints and challenges faced by domestic observer groups in the region, including for example in Ukraine where groups will have to decide how to approach elections in occupied territories. Such a regional workshop focused on challenges faced by EaP groups could be tied to the suggestion to elaborate standard or principles for domestic observation in the region as part of the handbook on international standards.

Ms. Rusu noted the requests both for regional and national level activities, and pledged to continue pre-election activities as had been implemented in Moldova and Ukraine.

Following the session on priority activities, Mr. Friedrich closed the meeting, thanking everyone for their active participation. He also commented that the Elections Assistance Division would pilot engagement with other Council of Europe departments (e.g. Venice Commission, PACE, media section) to help respond to the expectations and needs of participants.

ANNEX I AGENDA

Monday, 16 February 2015

9:15 – 9:30 Arrival of the participants

9:30 – 9:45 Opening remarks by:

- Claudia Luciani, Director of Democratic Governance Directorate DGII, Council of Europe (tbc)
- Francois Friederich, Head of Division of Electoral Assistance, DGII Council of Europe

9:45 – 10:00 Presentation of the Action 5 of the regional programme on “Reforming electoral legislation and practice, and developing regional co-operation in electoral matters”

- Ana Rusu, Project Manager, Division of Electoral Assistance, DGII Council of Europe

10:00 – 11:00 Presentations by NGOs of their priorities in the field of monitoring of elections (Round-table discussion)

- Mrs Olha Aivazovska, OPORA (Ukraine)
- Mrs Milena Zherdii, CVU (Ukraine)
- Mr Pavel Postica, Promo-Lex (Moldova)
- Mr Suren Saghatelian, Transparency International (Armenia)
- Mr Artur Sakunts, Vanadzor Helsinki Committee (Armenia)

11:00 – 11:20 Coffee break

11:20 – 12:30 Presentations by NGOs of their priorities in the field of monitoring of elections (Round-table discussion) continuation

- Mr Levan Natroshvili, Transparency International (Georgia)
- Mrs Tamuna Bartaia, ISFED (Georgia)
- Mr Nahid Ismayilov, Election Monitoring and Democracy Studies Center (Azerbaijan)
- Mr Pavel Sapelko, Human Rights Center (Belarus)
- Mr Aleh Hulak, Belarusian Helsinki Committee (Belarus)

12:45 – 14:00 Lunch break

14:00 – 14:45 Presentation of the results of the questionnaires aimed at the revision of the **CoE Handbooks “Reporting for Elections”** and **“International Election Standards”**

- Dr Marie-Carin von Gumpfenberg, Council of Europe expert, editor of the handbooks

14:45 - 15:00 Questions and answers session

15:00 – 16:00 Exchange of views on the issues of priority for the NGOs to be addressed during the 1st year of implementation of the PCF

- Mrs Holly Ruthrauff, Council of Europe expert

- Francois Friederich, Head of Division of Electoral Assistance, DGII Council of Europe

16:00 – 17:00 Conclusions of the kick-off

- Mrs Holly Ruthrauff, Council of Europe expert
- Dr Marie-Carin von Gumppenberg, Council of Europe expert, editor of the handbooks
- Francois Friederich, Head of Division of Electoral Assistance, DGII Council of Europe

ANNEX II LIST OF PARTICIPANTS

LIST OF PARTICIPANTS

Representatives of NGOs in charge of domestic election observation in the countries of Eastern Partnership

1. Mrs Olha Aivazovska, OPORA (Ukraine)
2. Mrs Milena Zherdii, CVU (Ukraine)
3. Mr Pavel Postica, Promo-Lex (Moldova)
4. Mr Nicolae Panfil, Promo-Lex (Moldova)
5. Mr Suren Saghatelian, Transparency International (Armenia)
6. Mr Artur Sakunts, Vanadzor Helsinki Committee (Armenia)
7. Mr Levan Natroshvili, Transparency International (Georgia)
8. Mrs Tamuna Bartaia, ISFED (Georgia)
9. Mr Nahid Ismayilov, Election Monitoring and Democracy Studies Center (Azerbaijan)
10. Mr Pavel Sapelko, Human Rights Center (Belarus)
11. Mr Aleh Hulak, Belarusian Helsinki Committee (Belarus)

Council of Europe

12. Ms. Claudia Luciani, Director of Democratic Governance Directorate DGII
13. Mr. François Friederich, Head of Division of Electoral Assistance, Democratic Governance Directorate, DGII
14. Ms. Ana Rusu, Programme Manager, Division of Electoral Assistance, Democratic Governance Directorate, DGII
15. Mr. Adrián Rodríguez-Perez, Project Officer, Division of Electoral Assistance, Democratic Governance Directorate, DGII
16. Mr Mikheil Kechaqmadze, Project Officer, Council of Europe Office in Georgia

Council of Europe experts

17. Dr Marie-Carin von Gumpfenberg

18. Mrs Holly Ruthrauff

Interpreters

19. Mr. Kolia Ilin

20. Mr. Alexei Milko