

# Electoral assistance

## I. In brief

Assistance in the field of elections by the Council of Europe has been developed as the natural complement to the international observation mandate of Parliamentary Assembly. Since the early 90s, the Council of Europe has:

- elaborated **standards in elections related legislation and its implementation**
- assessed (draft) legislation in the field of elections, referendums and political parties, and more generally advised member States on reforms in this field
- provided assistance to the Central Electoral Commissions and other electoral stakeholders, including judges in charge of electoral disputes and civil society

The Venice Commission is the main actor carrying out the tasks mentioned above.

The Council of Europe also

- paid particular emphasis on the role of **media** and **domestic observers** during the electoral process and the exercise of the right of freedom expression as enshrined in the ECHR.

Electoral activities take into account the case-law of the ECtHR and the recommendations of international observers missions, notably from **PACE** and ODIHR, as well as of the Congress of Local and Regional Authorities of the Council of Europe<sup>1</sup>.

## II. Background

Free and fair elections are the cornerstone of democracy and the pre-condition for the

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<sup>1</sup> this document does not include details regarding CoE's election observation activities

legitimacy of democratic institutions. As such they are one of the main requirements for membership of the Council of Europe and the starting point of the relationship of a country with the Organisation, be it as 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 CoE, with its standard-based approach, has been increasingly requested by the countries concerned in order to enhance their ability to perform quality elections in full line with European standards.

## III. Comparative advantages and added value

The Council of Europe can provide in this area:

- considerable **experience in working with the Central Electoral Commissions** and other electoral stakeholders, including judges in charge of electoral disputes and civil society; this co-operation is aimed at ensuring better quality of the whole electoral process, from the registration of voters to the settlement of electoral disputes, including of course voting and counting, as well as at supporting participation in elections and in political life of citizens, with a special emphasis on women, first-time voters and minorities,
- **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, and proceeding with documents drafted by the Venice Commission such as 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](#), 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, which includes eminent specialists of constitutional law and political science (including electoral law), as well as 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 conceived with **the full participation of the country concerned**, and agreed upon by the Committee of Ministers, thereby enjoying a 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 organisations** and the civil society including **local NGOs** which enables 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.

In particular, co-operation with OSCE/ODIHR is the rule in the preparation of opinions on legislation jointly with the Venice Commission as well as in the field of election observation.

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 at establishing an overall political atmosphere in which the electoral process can take place in conformity with the standards of the European electoral heritage and lead to the creation 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 a variety of countries, both old and newer democracies, from the governmental, academic and civil society world, which represent a rich range of references to feed the electoral reform process in the countries concerned.

#### **IV. Geographic contextualisation**

**Albania:** The Council of Europe Action Plan to support local elections in Albania in 2011 focused on the standardisation and simplification of election procedures and related documents; capacity building of the electoral administration at all levels in a sustainable way in order to organise and run the electoral process, through a long-term assistance by the Venice Commission; raising awareness amongst young voters; media training on the balanced coverage of the election process. The programme resulted in a handbook and in standardised material cascade trainings for electoral officers using the material elaborated, a three-hour module on elections taught in 400 high schools, a TV spot broadcasted to inform especially young people on their rights, forty journalists trained on professional standards in covering electoral campaigns, the training of trainers for auditing party financing during electoral campaigns. The problems which arose during the 2011 municipal elections led to a revision of the electoral code involving a joint opinion by the Venice Commission and OSCE/ODIHR.

**Azerbaijan:** Further to several opinions of the Venice Commission, the Action Plan to support parliamentary elections in 2010 covered specific aspects of the legal framework such as freedom of assembly and the financing of political parties, the treatment of elections related complaints. Many of these activities were organised by the Venice Commission. Substantial efforts were also devoted to enhancing professional standards for media coverage of electoral campaigns and in raising awareness of voters to the importance of exercising a free and informed right to vote. The findings of this plan will be followed up in view of the 2013 elections.

**Bosnia and Herzegovina:** General Elections in Bosnia-Herzegovina in 2010 took place less than a year after the ECtHR in December 2009 ruled that the constitutional ethnicity-based limitations on the right to stand are discriminatory and in violation of the European Convention on Human Rights (ECHR) (*Sejdic and Finci vs. Bosnia and Herzegovina*). The legally binding ruling required Bosnia and Herzegovina's authorities to adopt constitutional reform notably removing discrimination. However, initiatives launched by the authorities did not lead to any concrete results, and the 2010 general elections took place in the context of the discriminatory constitutional arrangements. The Action Plan implemented in view of the 2010 General Elections focused on raising awareness of voters on the importance of taking part in elections to maintain credibility in the institutions. In particular, a series of debates were organized within the School of Political Studies of Bosnia-Herzegovina among key groups of the population (e.g. young leaders at local level, media professionals, and civil society activists) from all political backgrounds, on the consequences of the political deadlock for the country, especially for the European integration process. Given the high number of participation requests, these were continued after elections. In addition, the Association of Election Officers of Bosnia-Herzegovina in cooperation with the Ministries of Education implemented a two hour curriculum in over 80 high schools covering all cantons on the practical aspects of elections.

**Georgia:** An Action Plan to support 2012 parliamentary, 2013 presidential and 2014 local elections in Georgia is currently being implemented. In 2012 it focussed on long-term assistance to the Central Electoral Commission by the Venice Commission, monitoring the work of the Voters lists Verification Commission, training local public authorities on the use of public funds for electoral campaigns and on raising awareness of first time voters.

**Moldova:** Following the post-electoral events of April 2009, a series of pre-electoral assistance programmes were implemented at the request of the Moldovan authorities to support the repeat parliamentary elections of July 2009, financed mainly through the JP to support to free and fair elections in South Caucasus, Ukraine and Moldova. The main focus was on the review of the legal framework and its implementation, the compilation of the voters list with a particular concern for voters living abroad, and the role of media in the campaign. At this occasion, the Venice Commission provided assistance to the Central Electoral Commission. These topics were further developed in the Action Plans to support the referendum and snap elections in 2010 and local elections in 2011. The Venice Commission adopted a joint opinion with OSCE/ODIHR on the electoral legislation and provided again assistance to the Central electoral Commission both in the preparation of the referendum and of the repeat 2010 elections. These activities were partially financed by the JP "Democracy Support Programme for Moldova". These programmes clearly contributed to establishing a calmer, more objective electoral environment and rebuild trust between citizens and institutions.

**Ukraine:** In view of the 2012 elections, the Venice Commission co-operated with the electoral stakeholders in the preparation and assessment of the legislation. Moreover, co-operation took place on electoral disputes, with the media on balanced covering of the electoral campaign and to encourage young people participation in elections.

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