

**Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus**



Regional conference

“Follow-up to the recommendations of international Election Observation  
Missions in the countries of the Eastern Partnership”

Background paper

*Venice, 24 – 25 October 2016*

## *Introduction*

As measurement criteria for the conduct of elections in its member states, the Council of Europe uses the five guiding principles underlined in the Venice Commission Code of good practice in electoral matters. These are: universal, equal, free, secret and direct suffrage. Observation of elections is one of the necessary procedural safeguards that implement these principles. At the Council of Europe, short-term observation of elections is conducted by the Parliamentary Assembly. The Congress of Local and Regional Authorities carries out short-term missions to observe elections at the grassroots' level, often in co-operation with the EU Committee of the Regions and assisted by electoral experts.

## *Parliamentary Assembly of the Council of Europe*

The Parliamentary Assembly of the Council of Europe (PACE) conducts short-term observation of parliamentary and presidential elections as well as of referenda. It started observing electoral processes on ad hoc basis in 1974 when Greece returned to the Council of Europe. Since 1989, the Assembly has observed elections on a regular basis with a view to verifying and improving the application of electoral legislation as part of the assessment of the overall political situation in the country in question.

Election observation missions of the PACE are of a political nature and are organised according to the Guidelines originally adopted by the Bureau of the PACE in 2004. The second paragraph of the Guidelines states that "observation of parliamentary and presidential elections as well as referenda in a candidate Member state or in a state under monitoring procedure is an inalienable right of the Assembly". Furthermore, the third paragraph indicates that the Bureau of the Assembly may decide to observe elections in a state which is under post-monitoring dialogue. In practice, the Parliamentary Assembly replies to the invitations made by the authorities of the countries under full monitoring<sup>1</sup> or post-monitoring. When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser.<sup>2</sup> In accordance with this provision, the Bureau of the Assembly invites experts from the Venice Commission to join the ad hoc committees as advisors. Findings of election observation missions are reflected in a report submitted for the approval of the Bureau of the Assembly.

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<sup>1</sup> Currently there are five of six EaP countries under full monitoring: Armenia, Azerbaijan, Georgia, Moldova, Ukraine.

<sup>2</sup> Article 15 of the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004

Election observation missions by the PACE play an important role *inter alia* in the sustainable improvement of the legislation and the electoral practices. Their recommendations, which are part of the election observation reports, are used in the framework of the full monitoring procedure managed by the Committee on the Honouring of Obligations and Commitments (Monitoring Committee) who conduct regular peer-to-peer visits and maintain dialogue with the authorities in order to ensure fulfilment of obligations with Council of Europe statute and conventions. There is an obligation by the states to co-operate for the execution of monitoring requirements and failure to do so may involve sanctions.

### *Congress of Local and Regional Authorities*

The Congress of Local and Regional Authorities (Congress) is in charge of the observation of local and regional elections and thus supplements the work of the PACE in respect of grassroots' democracy issues. Rules and Procedures enshrined in Resolution 395(2015) include principles and practical arrangements for the observation missions organised by the Congress. Further to the invitation of a state authority, the Congress' Bureau decides on the deployment of a mission and on the scale of the operation (electoral assessment mission, pre-electoral mission, observation mission). In principle, Congress' electoral missions are open to all 47 member countries of the Council of Europe.

On the basis of key findings of the election observation mission, the Congress rapporteur prepares a report including recommendations to be first adopted by the Monitoring Committee and then by the Congress meeting in plenary. After this adoption, the Committee of Ministers may decide to address the recommendations to the national authorities. According to Congress' rules, a post-electoral dialogue can be introduced at the joint request of the Congress and national authorities, notably central electoral commissions and/or other national authorities in charge of electoral management, and/or representatives of political forces, and/or national associations of local and regional authorities. The aim of this post-electoral dialogue is to present the recommendations to the relevant national authorities and competent stakeholders, to engage in an exchange of views and elaborate an implementation timetable in order to put priority recommendations into practice.

### *Common work in the framework of election observation*

On a practical level, election observation missions of PACE and Congress co-operate with the long-term election observation missions of the OSCE/ODIHR. Together, they issue joint statements of preliminary findings and conclusions which facilitate the delivery to the authorities of strong political messages. Exceptionally PACE and the Congress may decide on joint delegations to observe local and/or regional elections. PACE co-operates also with other short-term observation missions deployed by the Parliamentary Assembly of OSCE, the Parliamentary Assembly of NATO and the European Parliament. The Congress co-operates with the European Union's Committee of the Regions in the framework of its short-term observation missions. Congress Resolution 306 (2010)REV introduces regular exchange exercises with the PACE. Every two years, both organs exchange the conclusions of election observation reports.

Other international and national observers are deployed to the countries as part of civic observation efforts. Their findings are also reflected in recommendations for the authorities concerned. Currently co-operation exists among different partners for election observation. . A regular follow-up to technical recommendations by national and international election observation missions would make it still more efficient. It could be included in long term electoral assistance programmes to Member States involving the various Council of Europe stakeholders in their respective fields of competence.

#### *Aim of the conference*

The regional conference on the “Follow-up to the recommendations of international Election Observation Missions” will take stock of the situation with regard to the implementation of the recommendations at the regional level of the countries of the Eastern Partnership. This pilot exercise, if successful, could be replicated also for other countries and regions in Europe and worldwide. The presence at the conference of representatives of PACE, Congress, PA of OSCE, OSCE/ODIHR, NATO-PA, European Parliament, EU’s Assembly of Regional and Local Representatives and European External Action Service will give an opportunity to have the necessary overview to elaborate a plan for action in the field of post-electoral technical co-operation in the Eastern Partnership region for 2017 - 2020. The conference is a concrete action aimed at contributing to the implementation of the recommendations of the 2016 Secretary General report on the State of Democracy, Human Rights and the Rule of Law where he particularly encourages the Council of Europe to conduct bilateral work with the member states, including through action plans and co-operation projects to achieve free and fair elections.