

Resolution 1897 (2012)¹

Provisional version

Ensuring greater democracy in elections

Parliamentary Assembly

1. The Parliamentary Assembly emphasises once more that democratic elections are decisive for ensuring that the will of the people is respected in the shaping of the legislature and government at all levels and that elected bodies are effectively representative. It recalls in this respect its [Resolution 1705 \(2010\)](#) on thresholds and other features of electoral systems which have an impact on representativity of parliaments in Council of Europe member States, and its [Resolution 1706 \(2010\)](#) on increasing women's representation in politics through the electoral system.

2. The Assembly notes that, today, when citizens seem to have less and less confidence in the institutions of representative democracy, it is all the more crucial to enhance the democratic character of elections and thus reinforce the link between the expression of the people and the actual outcome of the vote.

3. Ten years after the drawing up of the Code of Good Practice in Electoral Matters by the European Commission for Democracy through Law (Venice Commission), following an initiative of the Assembly, considerable improvements, both in electoral legislation and practice, have taken place in most member States of the Council of Europe. However, the Assembly election observation reports still all too often identify irregularities which show that the holding of "free and fair" elections remain a major challenge to be addressed.

4. Whereas domestic electoral legislation in most member States generally offers a good basis to hold "free and fair" elections, recurrent violations occur, mainly due to a lack of political commitment at the highest level, generally on the part of the ruling political forces, to ensure full and effective implementation of the law and a level playing field to all candidates. Also, at present, the most serious violations tend to occur in the pre-electoral period and are thus more difficult to detect.

5. On the basis of election observation reports and other Council of Europe sources, the Assembly is concerned that a number of election-related violations still persist in a number of individual Council of Europe member States, such as: misuse of administrative resources; opacity of election campaign funding and other problems related to political party funding; lack of equal access to the media and of media impartiality; lack of independence and neutrality of the electoral administration; threats, pressure, violence and intimidation carried out against candidates or voters, arbitrary detention of opposition candidates and supporters; inaccuracy of electoral registers likely to lead to electoral fraud; restrictions on the right to stand for election, including excessive registration requirements for candidates and political parties; vote buying, family voting, ballot box stuffing, falsification of electoral protocols and other irregularities during vote counting; ineffective election complaints and appeals procedures.

6. While most of the violations that occur on voting day and during counting are more frequent in countries which do not have such a long tradition of democracy, others, such as those linked to election campaign and political party funding, media impartiality and use of administrative resources, also occur in member States with longstanding democratic experience. Serious election violations have resulted in periods of instability and political crisis in some member States and may generally pose a threat to the "soft security" of societies.

7. In the light of recurrent and persistent problems in the electoral process, measures to improve the democratic character of elections should respond to three main imperatives: foster participation, ensure transparency and strengthen supervision.

8. The Assembly therefore calls on the Council of Europe member States to:

8.1. foster citizen participation in the electoral process, notably by:

8.1.1. drawing up electoral registers in such a way as to ensure that as many voters as possible register. First-time registration should be automatic, electoral registers should be permanent and recourse to supplementary lists exceptional. Multiple voting should be effectively prevented without, however, violating the principle of the secrecy of the vote;

8.1.2. ensuring a free choice for voters by making as many political options as possible available in line with the principle of political pluralism. Requirements for the registration of candidates and political parties which are too strict should be abolished;

8.1.3. opening lists in proportional electoral systems to allow citizens, where appropriate, to choose individual candidates from among different lists;

8.1.4. enhancing internal party democracy through adoption of the relevant legislative framework, in particular as regards transparency of financing of political parties and the selection of candidates for election, in line also with the Code of Good Practice in the field of Political Parties;

8.1.5. opting for an electoral system which better reflects the opinion of the people and the political composition of the electorate, as well as taking into account other important aspects such as geographic distribution, gender or ethnicity;

8.1.6. introducing in their electoral legislation mechanisms to promote the balanced representation of women and men in elected bodies at all levels as well as encouraging political parties to introduce internal regulations, policies and affirmative actions so as to promote women's participation and representation in politics;

8.1.7. facilitating access to nationality as advocated in the European Convention on Nationality (ETS No. 166) and granting legally resident migrants voting rights and/or other possibilities for political participation as proposed in the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144). Democratic legitimacy is not served by excluding large numbers of migrants from political life and democratic elections;

8.1.8. ensuring that the design of the electoral system and the delimitation of constituencies facilitate the effective participation of minorities in the election process and thus promote minority representation as a factor guaranteeing interethnic peace and stability;

8.1.9. ensuring freedom of political debate in the media and guaranteeing that electoral campaigns are open and accessible and allow genuine debate that is not only of interest to voters but also informative for their choices. This requires, *inter alia*, transparency and pluralism of all media as well as equal access of all candidates and political parties to, and impartiality of, the public service media. Any national regulations on election campaigns should strike a fair balance between freedom of expression and ensuring equal opportunities;

8.1.10. requiring that political parties permanently refrain from exercising pressure, violence and intimidation on the population, and protecting voters and candidates against such threats. This requires strict compliance with the principle of secrecy of the ballot and application of dissuasive but proportionate sanctions against perpetrators of any of these violations;

8.1.11. guaranteeing that all possible means are used to make all polling stations accessible;

8.1.12. enabling all citizens to exercise their right to vote through proxy voting, postal voting or e-voting, on the condition that the secrecy and the security of the vote are guaranteed; facilitating the participation in the electoral process of citizens living abroad, subject to restrictions in accordance with the law, such as duration of residence abroad, whilst ensuring that, if polling stations are set up abroad, their establishment is based on transparent criteria; safeguarding the right to vote of vulnerable groups (people with disabilities, the illiterate, etc.) by adapting polling stations and voting material to their needs; abolishing legal provisions providing for general, automatic and indiscriminate disenfranchisement of all serving prisoners irrespective of the nature or gravity of their offences;

8.1.13. consolidating overall democratic culture through the implementation of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;

8.2. ensure transparency of the electoral process, notably in:

8.2.1. the organisation of elections: they should be organised by independent and impartial bodies, which should lead to the general introduction of central electoral commissions, ensuring that adequate resources are made available for the effective registration of voters and efficient organisation of the ballot. Electoral commissions should perform in a transparent, efficient and professional manner. Multi-party electoral commissions, which have gained recently in popularity, do not seem to be the best solution. When they are opted for, there should be guarantees for their composition to be politically balanced and their functioning transparent throughout the electoral process;

8.2.2. electoral campaign funding and party financing: legislation in this field is necessary not only to regulate the origin of funding and set a limit on expenditure, but also to enable all voters to have access to data on the nature and amount of campaign and party spending. To ensure strict implementation of such legislation, any violations should be sanctioned by proportionate penalties;

8.2.3. the conduct of voting: this requires the appropriate design of polling stations, the use of transparent ballot boxes, the presence of voting booths, public counting and the good regulation of distance voting. The presence of international observers should be facilitated, in line with the Declaration of Principles for International Election Observation and also with the Venice Commission's guidelines on an internationally recognised status of election observer. National observers, including from civil society, should be authorised in all member States, in line with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and the Code of Conduct for Nonpartisan Election Observers and Monitors. Accreditation procedures should be simple and easily accessible;

8.3. strengthen supervision by ensuring an effective, transparent and accessible complaints and appeals system in order to reverse the culture of impunity for election-related offences and enhance public confidence in the electoral process. This requires notably that:

8.3.1. supervision be assigned to a judge (whether special, ordinary or constitutional), at least as a last recourse, and covers the entire electoral process. The system of parliamentary verification of credentials employed in several States would not seem to ensure the necessary impartiality;

8.3.2. access to courts be facilitated through simplified, free procedures involving short but reasonable time frames. Voters should be well informed of the existing appeal procedures and have easy access to the necessary forms;

8.3.3. dissuasive but proportionate penalties be provided in cases of fraud, manipulation or cheating. The penalties must be applicable to both the direct perpetrators (rarely the candidates themselves) and to those instigating the fraud. The public and international observers should be informed of any sanctions imposed.

9. Finally, in the light of its election observation experience over the past twenty years, during which it has observed more than 140 parliamentary and presidential elections, involving some 1 900 of its members, the Assembly believes that there is a need to strengthen synergies and enhance follow-up to election observation both within the Council of Europe and through co-operation with other specialised international organisations.

10. The Assembly therefore:

- 10.1. resolves to enhance follow-up to recommendations made in international election observation reports in the context of the work carried out in its Monitoring Committee and in particular in the context of co-rapporteurs' visits to the States concerned, in the preparation of their reports and also, as appropriate, in the context of the committee's annual progress report;
 - 10.2. recalls in this context that the co-rapporteurs of the Monitoring Committee for a given country are entitled, in accordance with the Guidelines for the Observation of Elections by the Parliamentary Assembly, to participate ex officio in an ad hoc committee to observe an election in that country;
 - 10.3. resolves to strengthen synergies with other international organisations and non-governmental organisations which have an expertise in the field of elections, including after election observation, with a view to promoting the recommendations made by the international community and ensuring their implementation;
 - 10.4. resolves to promote regular consultations, aiming at greater complementarity between the various Council of Europe bodies which have expertise in the field, notably the Assembly, the Venice Commission and the Group of States against Corruption (GRECO). This unique potential of the Organisation could be turned to greater account;
 - 10.5. expresses its support for the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and the Code of Conduct for Nonpartisan Election Observers and Monitors;
 - 10.6. invites the Secretary General of the Council of Europe to strengthen the Organisation's medium and long-term electoral assistance programmes by better targeting them at the problems observed.
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1. Assembly debate on 2 October 2012 (31st Sitting) (see [Doc. 13021](#) , report of the Committee on Political Affairs and democracy, rapporteur: Mr Gardetto; [Doc. 13038](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr McNamara; [Doc. 13029](#) , opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Santini; [Doc. 13039](#) , opinion of the Committee on Culture, Science, Education and Media, rapporteur: Ms Postanjyan; and [Doc. 13037](#) , opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms de Pourbaix-Lundin). Text adopted by the Assembly on 3 October 2012 (32nd Sitting).