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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE)

Parliamentary conference on implementation of the right to free elections

Paris, 4-5 June 2015

*Summary of presentations and debates by Mr Nicolas Kaczorowski,
General rapporteur of the conference*

Venue:

Assemblée nationale
Immeuble Jacques Chaban-Delmas
(Salle Lamartine)
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***Programmatic Cooperation Framework
in the Eastern Partnership countries***

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by the European Union



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CONSEIL DE L'EUROPE

Implemented
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BACKGROUND AND OBJECTIVES

Since 2015, the Parliamentary Assembly has participated in the implementation on parliamentary level of a joint framework agreement between the Council of Europe and the European Union, the 2015 – 2017 EU-CoE Eastern Partnership Programmatic Co-operation Framework (PCF). This programme aims at providing assistance for the reinforcement of democratic reforms in Armenia, Azerbaijan, Georgia, the Republic of Moldova, Ukraine and Belarus.

Under the priority ‘promoting democratic governance’, the Parliamentary Assembly is to undertake activities on ways and means to improve parliamentary co-operation in electoral matters by organising regional parliamentary seminars and conferences. The Paris conference was the first in a series of conferences focusing on:

- the standards of the Council of Europe concerning democratic elections and monitoring mechanisms in this field;
- possibilities for improving legal frameworks and electoral practice with regard to certain recurring issues identified during observation missions by the Parliamentary Assembly; and
- best practice in the field of elections.

The conference programme and the list of participants are set out in Appendices 1 and 2.

SUMMARY OF PRESENTATIONS AND DEBATES

Two key points emerged at the start of the conference. First of all, elections are the expression of democracy and form its cornerstone; they are a necessary but not sufficient condition for its existence. Respect for human rights and fundamental freedoms are founding elements of all free elections. Democracies are going through a period of doubt, with a decline in democratic enthusiasm. Turnout at elections is declining and there is a crisis of confidence in democratic institutions. The right to free elections is not implemented properly throughout Europe, and the states in the Eastern Partnership sometimes face difficult situations in which it is vital to strengthen democratic institutions.

The participants underlined the importance of advancing democracy, the rule of law and respect for fundamental freedoms throughout Europe, as neither security nor stability are possible otherwise. To that end, co-operation and consultation between the Council of Europe, its various bodies, the EU and the OSCE are vital in order to strengthen those countries’ democratic institutions.

OPENING SESSION

For several decades, the Council of Europe has played a central part in codifying electoral law, in election observation and in helping member states to improve their electoral processes.

In the area of **standard-setting work**, the Venice Commission has co-operated in the Eastern Partnership countries for 20 years, seeking to improve electoral legislation and practice in partnership with the host countries. This partnership is based on dialogue and a co-operative rather than directive approach. The Commission's main activity is legal assistance through the publication of opinions on electoral laws, often in conjunction with the Office for Democratic Institutions and Human Rights (ODIHR), with a total of over 120 having been issued to date.

To ensure consistency in its opinions, the Commission draws on the Code of Good Practice in Electoral Matters, drawn up in 2002 by its Council for Democratic Elections. This codification and standard-setting work provides a sound basis for developing consistent case law.

The Venice Commission has not confined its standard-setting to elections and has continued the process by publishing other codes on referendums and political parties.

International election observation seeks to ensure the fairness of elections. The Parliamentary Assembly of the Council of Europe plays a leading role in developing the European electoral heritage and in international election observation. It initiated international election observation in Europe when it observed the elections in Greece in 1974. Since 1989, election observation has become a regular part of its activities in terms of monitoring member states' commitments and, since then, in close co-operation with the Venice Commission, it has observed over 150 parliamentary and presidential elections, deploying approximately 2 000 parliamentarians from different countries.

The Congress of Local and Regional Authorities focuses on local and regional elections. Around 100 election observation exercises have been conducted since the establishment of the Congress. The Congress applies the same standards and criteria as the PACE. It also co-operates closely with the Venice Commission and other Council of Europe bodies. In many countries, mayors are involved in organising local elections, which means they can provide valuable input during election observation exercises.

Although it is sometimes criticised, observation is nevertheless founded on clear and comprehensive methodology which fits in with the electoral cycle and is based on accuracy, impartiality and professionalism. It plays a part in improving transparency and public confidence. It is not, however, an end in itself. The observation reports help the countries to improve their electoral processes through the recommendations made for their consideration. Follow-up to the recommendations remains the weak link in election observation, however.

Lastly, there is **electoral assistance** and the key challenge of how to help countries to improve their electoral processes. The Council of Europe's work focuses on three types of action:

- strengthening the institutional capacities of electoral administrations through a range of training courses;
- awareness-raising work for voters, in particular women, who are usually under-represented in elected assemblies, first-time voters and minorities, etc;

- training of citizen observers to make them more professional and more credible in backing up international election observation.

The Council of Europe's work in the area of electoral assistance was praised, in particular the capacity-building activities which are of direct benefit to electoral administrations and the support in terms of voter awareness-raising. It was underlined that women must play a key part in states' public and political life.

SESSION 1: INTRODUCTORY SESSION: The Council of Europe standards in the field of elections

The Council of Europe indicated the aspects of Europe's electoral heritage to which it had contributed through its standard-setting work. Electoral law is composed of international standards which are binding on the contracting States Parties. These include, for instance, the International Covenant on Civil and Political Rights and the European Convention on Human Rights. They must be distinguished from the other commitments which are not legally binding.

Much reference was made to the Venice Commission's Code of Good Practice in Electoral Matters, which is a good example of this soft law. The code seeks to harmonise electoral standards and improve electoral legislation and serves as a benchmark for assessing the democratic character of elections.

It must, however, be remembered that electoral legislation alone does not guarantee that elections will be democratic; that largely depends on how the legislation is implemented, which is a responsibility shared by the authorities and the other stakeholders in elections.

The great range and diversity of the European Court of Human Rights' case law on electoral matters was presented in detail. The right to free elections is enshrined in Article 3 of Protocol No. 1 to the European Convention on Human Rights, which lays down the fundamental principles of democratic elections. The protocol has been ratified by 45 of the 47 member states (except Monaco and Switzerland).

The extent of the protection provided under Article 3 was discussed with a view to defining the admissibility criteria for complaints lodged with the Court. There are both substantial and procedural criteria (types of elections, categories of applicants, exhaustion of domestic remedies, six-month deadline for lodging applications with the Court, etc). States are granted a margin of appreciation. The Court rules on cases individually. Applicants must prove that their rights have been affected by the impugned decision.

The Court has considered the principle of universal suffrage, i.e. the right to vote and to stand for elected office. It has held that the right to vote is not a privilege but an individual right which parliaments may, however, restrict – for instance, in the event of imprisonment, subject to certain conditions of proportionality and lawfulness.

Some participants underlined certain countries' failure to execute the Court's judgments, as well as the risks relating to political pressure which could be put on judges at the Court. In this connection, the integrity and credibility of the Court's staff were emphasised.

64 400 applications had been lodged with the Court as at 30 April 2015. The figure rises every year. Most applications currently involve Ukraine, Russia, Italy and Romania. 95% of applications are declared inadmissible by the Court. This high figure is explained in part by the fact that the administrative requirements for lodging applications have been tightened up since 2014 with a new form. The formalities are also stricter.

The European Union is based on the rule of law through the treaties which member states undertake to abide by. The fundamental principles for elections to the European Parliament are set out in the 1976 act and must be applied by all EU member states. The 2014 elections were marked by greater transparency, through the presentation of candidates for the post of President of the European Commission, visits by candidates to the various states, the holding of TV debates and the indication of European political group allegiance on the ballot papers. However, the elections once again saw a decline in turnout, which is a challenge for all member states. There is a lack of trust in politics, which is the main reason for electoral disengagement. European citizens are also increasingly mobile, with 12 million living in countries other than their country of origin. Under current European legislation, they are entitled to vote and stand in local and European elections.

It was concluded that the right to free elections must be guaranteed by all Council of Europe member states. The right demands respect for freedom of expression, association and assembly, as well as transparency and equality of arms between candidates.

SESSION 2: Election legislation: challenges and implementation

The PACE monitoring procedure

The PACE has established a monitoring system by setting up a committee to monitor the honouring of obligations and commitments made by member states upon accession to the Council of Europe. Nine countries are currently under the monitoring procedure and four under the post-monitoring dialogue procedure.

Two rapporteurs from different countries and different political groups are appointed rapporteurs for each country under a monitoring procedure. The rapporteurs visit the countries concerned regularly and are fully aware of the situation in each country. The Monitoring Committee regularly prepares reports on the functioning of democratic institutions in the countries concerned, which are adopted by the PACE. The Monitoring Committee co-operates with other Council of Europe bodies, the European Parliament and the ODIHR. Naturally, it also co-operates with the authorities of the countries being monitored and national players such as civil society organisations.

Legal assistance of the Venice Commission

The Venice Commission has published over 500 opinions since it was set up. These opinions, which are often drafted in co-operation with the ODIHR and at the request of the member states or the PACE, play a key part in improving electoral legislation through the formulation of recommendations. They reflect the Council of Europe's electoral norms and standards, of which they form the main basis.

The opinions look at the model chosen by the member state, which is assessed in line with the norms and standards, regard being had to the context and needs of each country. They are also based on the findings and conclusions of the PACE election observation exercises. The opinions are adapted to each situation.

The opinions are not binding on the states concerned but are advisory in nature and enjoy great authority. They are one tool among others such as election observation and help to build trust in the integrity of elections.

The conference participants noted a clear improvement in the quality of electoral legislation. The current problem is less one of the content of legislation than of its implementation, which is sometimes inadequate. Analysis of the Venice Commission's opinions reveals a number

of recurring issues concerning equal suffrage, the size of constituencies, the neutrality and impartiality of electoral commissions, campaign and political party funding and certain restrictions on standing for election, election observation, misuse of administrative resources and voter lists, voting by citizens resident abroad, the representation of women, electoral disputes and a lack of internal democracy within political parties. Solutions and recommendations are put forward in the Commission's opinions, which are publicly accessible documents.

It was concluded that substantial progress had been made in the holding of democratic elections in most member states. However, irregularities are still noted all too often.

Challenges in applying Council of Europe standards

The recurring issues highlighted in PACE election observation reports and other documents are of two kinds: they may be unintentional and related to the inexperience of emerging democracies or they may involve serious deliberate irregularities, which sometimes reflect a lack of political will to hold democratic elections.

A list of the recurring problems identified in the Parliamentary Assembly's reports was drawn up during the conference. In particular:

- 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 impartiality of 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;
- falsification of electoral protocols during vote counting.

These problems must be the focus of the relevant Council of Europe bodies' work.

National and international election observation

Democratic elections are the cornerstone of democracy and are a powerful force for security. Election observation seeks to improve the compliance of electoral processes with international norms and standards, including those of the Council of Europe. To date, 300 elections have been observed by the ODIHR, frequently in co-operation with the PACE and the Congress.

Observation is funded on clear methodology which fits in with the electoral cycle. It is based on accuracy, transparency, impartiality and professionalism of the observers. It is not an end in itself. The published observation reports help the countries to improve their electoral processes through the recommendations made for their consideration. Observers' reports have been criticised for being too diplomatically worded and setting out conclusions that are too accommodating towards governments. There are also concerns about a lack of objectivity of certain observation reports. Another issue is a lack of unity among international observers and sometimes diverging conclusions, which create problems in terms of trust in the observers' work in the countries concerned. When expressed publicly, these disagreements can undermine the credibility of international election observation and of the observers' assessments.

Election observation missions are increasingly focusing on the use of new technology in the various phases of the electoral process, campaign funding, electoral participation of women and people with disabilities and access by them to electoral processes and the issue of the deployment of observer teams in conflict zones.

Follow-up to the recommendations remains the weak link in election observation, as they are only very rarely acted upon. The political will to implement observers' recommendations is often lacking. The international observers' reports are discussed within Council of Europe, OSCE and EU bodies and with the relevant countries' authorities, as well as civil society. Efforts are made to co-ordinate follow-up by various international organisations and present the conclusions and recommendations set out in the observation reports. Follow-up to the recommendations is then divided up between these various institutions and with the agencies which provide electoral assistance. Kyrgyzstan, Georgia and Ukraine are all good examples of successful follow-up.

During the discussion, reference was made to so-called citizen observation conducted by civil society organisations and to their role in supplementing the work of international observers. The importance of their access to all phases in the electoral process was underlined. These organisations encounter various obstacles, including difficulties in registering with the relevant authorities and a lack of access to financial resources for funding their operations.

Session 3: Election campaigns and the use of administrative resources: challenges and good practices

The use or misuse of administrative resources is one of the key challenges to the holding of fair elections. The first difficulty is to define the problem of the misuse of administrative resources, which is a serious offence which can undermine the legitimacy and lawfulness of an election. The speakers proposed the following definition adopted by the Venice Commission in 2013 to clarify the concepts and the debate, while underlining the ambiguities of the concept:

“Administrative resources are human, financial, material, in natura and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support.”

So what can be done to limit the misuse of these resources? First of all, electoral legislation must embody certain principles, namely transparency, equal opportunities in terms of equality of arms, the impartiality of civil servants who must not favour or campaign for particular candidates during working time and, lastly, the principle of fairness, in other words, the campaign resources deployed by the candidates must be fair so that the integrity of the voting is not undermined. The legislation must therefore make a distinction between the legitimate and lawful use of public resources and illicit misuse of them.

The legislation must also include proportionate penalties in the event of proven breaches so as to combat impunity. However, legislation cannot eradicate the problem unless there is a strong commitment to respect and enforce it. This requires the political will to combat the relevant misuse of resources, which is a vital aspect, as well as a sense of responsibility on the part of the stakeholders, in particular the highest state authorities, who must maintain a clear distinction between the state and the ruling party.

Other approaches for tackling the problem were mentioned, some were radical, such as ignoring the issue, which is not satisfactory in terms of democracy, while another option was imposing an outright ban, which raises problems regarding implementation and hence the credibility of the ban. Another solution would be to prohibit re-election. Lastly, it might be possible for elected representatives standing for fresh terms to suspend the exercise of their existing mandates during campaigning so that the public funds associated with them were no longer available.

A more pragmatic approach would be for the material resources made available to elected representatives seeking fresh terms to be charged at market rates and accordingly appear as expenses in campaign accounts. While this option seems reasonable, it is, however, sometimes difficult to make a distinction between what comes under campaigning and what comes under the exercise of the mandates of elected representatives who are seeking re-election. The difficulties involved in this solution were illustrated through the example of France, its legislation, its practice and its case law.

SESSION 4: Inaccuracies in voter lists and difficulties related to the vote of citizens residing abroad

In recent decades, emphasis has been placed on inclusion and extending the franchise in the direction of universality. Voter lists are a fundamental aspect of all democratic elections, as they enable the right to vote to be exercised efficiently on polling day and protect that right.

It is necessary to underline what voter lists are and what their main functions are. First of all, voter lists are tools for proper election management because they determine voters' right to vote before polling day, in line with the relevant legislation. Secondly, they are tools for election planning. They make for the accurate assignment of voters to individual polling stations and the allocation of the necessary voting material on polling day.

In short, they ensure that the right to vote is protected and are a means of combating electoral fraud. Voter lists are all based on the same principles, even though registration methods vary from country to country (passive or active; continuous or periodic, permanent or temporary). The shared principles are exhaustiveness, accuracy, accessibility, non-discrimination, credibility, transparency and protection of personal data. Voters must be able to check that their names are on the lists. If they are not, they must be able to lodge appeals to have their names included before polling day so that they can exercise their right to vote.

Voter lists require regular updating to ensure that they are complete and eliminate persons who do not meet the eligibility criteria and are therefore not entitled to vote. The criteria vary depending on the countries and their legislation.

The tension between governments' responsibility to implement the principle of universality, in other words, the obligation to register all citizens with the right to vote on voter lists, and the overriding need to protect the integrity of elections against attempted fraud was illustrated by the discussion concerning the possibility of registering voters on the lists on polling day.

Although this practice is relatively widespread in Council of Europe and OSCE member countries, a number of participants called for the use of such supplementary lists to be discontinued. The defenders of the practice highlighted the great mobility of voters, which is a real challenge when it comes to compiling voter lists. The process was described as a means of making lists more exhaustive and more inclusive. Voters are registered on supplementary lists and then included in the main permanent lists after the elections.

The opponents of this solution voiced doubts about supplementary lists, which opened up the possibility of electoral fraud. While universal suffrage is a cardinal principle of all democratic elections, it should not lead us to forget voters' responsibility to take the necessary steps on time so as to be able to exercise their right to vote. One solution put forward was that voters could be added to voter lists on polling day provided that they presented a formal decision taken by a court or electoral commission.

The discussion illustrated the complex nature of voter registration, which is sometimes controversial and is often challenged by parties and candidates, as it can be open to manipulation. Confidence in the accuracy and exhaustiveness of voter lists is therefore vital to ensure the acceptance of election results and trust in the electoral process.

A series of four recommendations was made to improve the quality of voter registers:

- centralisation of voter registration, which is more effective than decentralised compilation of lists;
- a need for greater co-ordination between the various institutions involved in compiling and updating voter lists;
- the introduction of robust supervision mechanisms for identifying duplicate entries and correcting inaccurate or incorrect entries; and
- the need for transparency through the publication of voter lists to allow for the necessary corrections.

Voter registration has been made more complex by the extension of the franchise to citizens residing abroad, which has been a marked trend for several years even though the vote for nationals residing abroad is not provided for in any binding treaties. At the same time, there is a trend in Europe towards extending the right to vote in local elections to foreigners, given people's growing mobility.

One of the main challenges is the definition of residence (habitual residence, residence for tax purposes, etc.) – the same problem also arises for voters in the country. Geographical distance from the relevant countries raises issues in terms of the means of exercising the right to vote: proxy voting, postal voting, e-voting or voting in person in polling stations. All of these options entail technical and political problems.

In the final analysis, the challenge is to enable citizens residing abroad to vote while at the same time preventing abuses such as duplicate registration and also protecting the integrity of voter lists. In the case of local elections, it was pointed out that local issues should be decided upon by voters who live in the areas concerned.

SESSION 5: Functioning of electoral administrations: the challenge of neutrality and impartiality

Council of Europe member states have a wide range of different types of electoral administration. There are different methods for forming electoral commissions and the procedures for appointing members are varied.

There is a general trend towards the establishment of electoral commissions independent of governments, a model prevalent in Eastern Partnership countries. Their composition may be based on technical criteria and professional competencies or on political balance, in other words, on fair and proportionate representation of the various political forces in parliament. In countries with longer-standing democratic traditions, it is not unusual for elections to be organised by interior ministries with strong involvement of local authorities.

Regardless of the method of appointment and the composition of electoral administrations, it is vital for political parties and also all other stakeholders in the electoral process, including voters, to trust the institution organising elections, which must be an impartial arbiter of the competition for power.

The neutrality, professionalism, independence, transparency and impartiality of the electoral administration are the cornerstones of voters' confidence in election results. The application of these principles plays a key part in ensuring that elections are democratic. The principles are enshrined in soft-law documents such as the Code of Good Practice in Electoral Matters, General Comment 25 of the UN Human Rights Committee and the OSCE undertakings also known as the Copenhagen criteria.

The independence of the electoral body must also be guaranteed, with several measures contributing to such independence. First of all, the electoral body must be provided for and enshrined in legislation. It must also enjoy the trust of political parties, be financially independent and not be placed under the supervision of any other authority. Further safeguards are provided by members not being subject to dismissal and holding single non-renewable terms. However, this does not mean that electoral authorities are not accountable and do not have to report to a higher authority such as parliament, as is the case in Georgia. The requirement for regular auditing also ensures the good governance of electoral commissions.

Achieving neutrality and impartiality also depends on building the capacity of electoral administrators. If they are properly trained, they will demonstrate greater professionalism, thereby conferring greater credibility on elections. Electoral administrations must also act as impartial arbiters of political contests by maintaining close relationships with the stakeholders which they must keep well informed so as to build trusting relations. Lastly, transparency must be a core feature of electoral commissions' work. Their sessions should be open to observers and their documents available to the general public.

The problems and difficulties most frequently encountered are as follows:

- an imbalance between the different political parties represented on electoral commissions with party-based membership. The approach is not always accepted by opposition parties, which often believe that the ruling party has too much weight;
- electoral commissions under government influence, which have only formal rather than real independence;
- a lack of impartiality and independence of regional electoral commissions, which are sometimes under the influence of local and regional government. They sometimes depend on regional government funding for their operation.

It was underlined that the involvement of NGOs in the process of selecting members of electoral commissions can play a positive role in increasing trust in the impartiality of electoral bodies. This applies in Georgia, in particular, where this model has been implemented. There was also discussion about the membership of electoral bodies, which must take political decisions and which some participants said must therefore be made up solely of professionals. The various models are all acceptable insofar as they are consensual and do not raise questions of principle concerning the integrity of elections.

Confidence in electoral administrations depends largely on the degree of acceptance of results. Conversely, political parties are more likely to accept the results of elections proclaimed by electoral bodies that are perceived to display neutrality, impartiality, integrity and professionalism.

APPENDIX 1: Programme

Thursday, 4 June 2015

8.30 – 9.00 am REGISTRATION OF PARTICIPANTS

9.00 – 9.30 am OPENING SESSION

Welcome by:

Mr Harlem DESIR, Secretary of State for European Affairs of France

Mr René ROUQUET, Vice-President of the Parliamentary Assembly of the Council of Europe (PACE) and Chairperson of the French Delegation to the PACE

Mr Jean-Claude FRÉCON, Chairperson of the Congress of Local and Regional Authorities of the Council of Europe

Mr Gianni BUQUICCHIO, President of the European Commission for the Democracy through Law - Venice Commission, Council of Europe

9.30 am – 12.30 pm

INTRODUCTORY SESSION

The Council of Europe standards in the field of elections

Chairperson: Mr René ROUQUET, Vice-President of the Parliamentary Assembly of the Council of Europe (PACE) and Chairperson of the French delegation to the PACE

Ensuring greater democracy in elections

Mr Jean-Charles GARDETTO, former PACE member and Rapporteur on “Ensuring greater democracy in elections”

Soft law of the Council of Europe in the field of elections

Mr Peter PACZOLAY, Professor of Constitutional Law, Honorary President of the Venice Commission, Former President of the Constitutional Court of Hungary

Council of Europe Electoral Assistance Programmes

Ms Claudia LUCIANI, Director of Democratic Governance, Directorate General of Democracy, Council of Europe

The standards of the European Union in the field of democratic elections

Mr Giancarlo DEFAZIO, Directorate-General for Justice and Consumers, European Commission

Exchange of views

10:45 - 11:15 *Coffee break*

Chairperson: Mr René ROUQUET, Vice-President of the Parliamentary Assembly of the Council of Europe and Chairperson of the French delegation to the PACE

The case-law and execution of judgements of the European Court of Human Rights (ECHR) in the field of elections

Ms Inna SHYROKOVA, Lawyer, Registry of the European Court of Human Rights

Exchange of views

12:30 - 2:15pm *Lunch offered by the Parliamentary Assembly*

2.15 – 3.30 pm

SESSION 2 Election legislations: challenges and implementation

Chairperson: Mr Stefan SCHENNACH, Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States (Monitoring Committee), PACE

Monitoring mechanisms of the Parliamentary Assembly

Mr Stefan SCHENNACH, Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States (Monitoring Committee), PACE

Opinions of the Venice Commission

Mr Thomas MARKERT, Director, Secretary of the Venice Commission

Reports of the election observation missions of the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE

Ms Beata MARTIN-ROZUMIŁOWICZ, Head of the Election Department, (OSCE/ODIHR)

Exchange of views

03:30 – 04:00 pm *Coffee break*

4.00 - 5.15 pm

**SESSION 3 Election campaigns and the use of administrative resources:
challenges and good practices**

Chairperson: Mr Thomas MARKERT, Director, Secretary of the Venice Commission

Mr Serhii KALCHENKO, Lawyer, Election Expert of the Venice Commission

Mr Richard GHÉVONTIAN, Professor of Constitutional Law, Vice-President of the University of Aix-Marseille (France), Election Expert of the Venice Commission

Exchange of views

Friday, 5 June 2015

9.00 - 10.15 am

**SESSION 4 Inaccuracies in voter lists and difficulties related to the vote of
citizens residing abroad**

Chairperson: Mr Andreas KIEFER, Secretary General of the Congress of Local and Regional Authorities

Mr Evgeni TANCHEV, Vice-President of the Venice Commission, Professor, Judge and Former President of the Constitutional Court of Bulgaria

Ms Tatyana BOGUSSEVICH, Deputy Head of the Election Department, OSCE/ODIHR

Mr Andreas KIEFER presents the report of the Congress of Local and Regional Authorities on “Inaccuracies in voter lists and difficulties related to the vote of citizens residing abroad”

Exchange of views

10.15 am – 10.45 pm Coffee break

10.45 – 12.00 pm

**SESSION 5 Functioning of electoral administrations: the challenge of
neutrality and impartiality**

Chairperson: Mr Andreas KIEFER, Secretary General of the Congress of Local and Regional Authorities

Ms Tamar ZHVANIA, Chairperson of the Central Election Commission of Georgia

Ms Daria PAPROCKA, Election Expert of the Venice Commission

Exchange of views

12.00 – 12.30 pm

CLOSING SESSION

Conclusions and closing remarks by:

Mr Nicolas KACZOROWSKI, Country Director, International
Foundation for Electoral Systems (IFES) Tunisia

Exchange of views

12:30 -2:00 pm

Lunch break

2:30 – 4:30 pm

Visit of the Constitutional Council of France, presentation of the
activities of the Constitutional Council

APPENDIX 2: List of participants

Host Country / Pays Hôte

M.	DESIR	Harlem	State Secretary for European Affairs, France / <i>Secrétaire d'Etat aux Affaires Européennes, France</i>
M.	ROUQUET	René	Vice-Chairperson of the PACE, Chairperson of the French Delegation to the PACE / <i>Vice-Président de l'APCE, Président de la délégation française auprès de l'APCE</i>

Members of Parliament from the Eastern Partnership countries /

Parlementaires des pays du Partenariat Oriental

Armenia/ Arménie

Mr	KHACHATRYAN	Hayk	Member of the National Assembly of Armenia / <i>Député, Assemblée nationale de l'Arménie</i>
Ms	SARGSYAN	Lyudmila	Member of the National Assembly of Armenia / <i>Député, Assemblée nationale de l'Arménie</i>
Ms	YESAYAN	Margarit	Member of the National Assembly of Armenia / <i>Députée, Assemblée nationale de l'Arménie</i>

Azerbaijan / Azerbaïdjan

Ms	GAFAROVA	Sahiba	Member of the Parliament of the Republic of Azerbaijan / <i>Députée, Parlement de la République d'Azerbaïdjan</i>
Mr	GULIYEV	Azay	Member of the Parliament of the Republic of Azerbaijan / <i>Député, Parlement de la République d'Azerbaïdjan</i>
Mr	MOLLAZADA	Asim	Member of the Parliament of the Republic of Azerbaijan / <i>Député, Parlement de la République d'Azerbaïdjan</i>
Ms	MURADOVA	Bahar	Parliament of the Republic of Azerbaijan / <i>Députée, Parlement de la République d'Azerbaïdjan</i>

Belarus / Belarus

Mr	HRYTSKEVICH	Henadz	Chairman of the Standing Commission on State Building, Local Government and Regulations, House of Representatives, National Assembly of the Republic of Belarus / <i>Président de la Commission permanente de la construction étatique, des autorités territoriales et des régulations, Chambre des Représentants, Assemblée nationale de la République de Belarus</i>
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Mr	SAMOSEIKO	Mikalai	Chairman of the Standing Commission on International Affairs, House of Representatives, National Assembly of the Republic of Belarus / <i>Président de la Commission permanente des Affaires internationales Chambre des Représentants, Assemblée nationale de la République de Belarus,</i>
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Georgia / Géorgie

Mr	CHIKOVANI	Irakli	Chairman of the Faction “Free Democrats” / <i>Président du groupe des “Démocrates libres”</i>
Mr	DZIDZIGURI	Zviad	Deputy Chairman of the Parliament of Georgia / <i>Vice-Président du Parlement de la Géorgie</i>
Mr	KAKHIANI	Giorgi	Chairman of the Committee on Rules of Procedure, Parliament of Georgia / <i>Président de la Commission de règlement et des procédures, Parlement de la Géorgie</i>
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Republic of Moldova / République de Moldova

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Mr	VREMEA	Igor	Member of the Committee on Legal Affairs, Appointments and Immunities / <i>Membre de la Commission des Affaires juridiques, des nominations et des immunités</i>

Ukraine

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Ms	GRACHOVA	Uliana	Adviser to the Chairman of the Verkhovna Rada, Consultant of the Expert Group on the preparation of the draft law on local elections

Central Electoral Commissions (CEC) / *Commissions électorales centrales*

Armenia/ Arménie

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Azerbaijan / Azerbaïdjan

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Georgia / Géorgie

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Republic of Moldova / République de Moldova

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Ukraine

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Non-governmental Organisations (NGOs) / *Organisations non-gouvernementales (ONG)*

Armenia/ Arménie

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Mr KOSHEL Oleksii Director General, All-Ukrainian NGO “Committee of voters of Ukraine” / *Directeur Général, ONG de l’Ukraine « Commission des électeurs de l’Ukraine »*

COUNCIL OF EUROPE / CONSEIL DE L’EUROPE

Parliamentary Assembly (PACE) / Assemblée parlementaire (APCE)

Mr SCHENNACH Stefan Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) of the PACE / *Président de la Commission pour le respect des obligations et engagements des Etats membres du Conseil de l’Europe (Commission de suivi) de l’APCE*

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Mr	GARDETTO	Jean-Charles	Former PACE member and Rapporteur on “Ensuring greater democracy in elections / Ancien membre de l’APCE et Rapporteur sur “Garantir une plus grande démocratie dans les élections”
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Venice Commission / Commission de Venise

M	BUQUICCHIO	Gianni	President of the European Commission for the Democracy through Law of the Venice Commission of the Council of Europe / <i>Président de la Commission européenne pour la démocratie par le droit de la Commission de Venise du Conseil de l’Europe</i>
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Mr	PACZOLAY	Peter	Professor of Constitutional Law, Honorary President of the Venice Commission, Former President of the Constitutional Court of Hungary / <i>Professeur du droit constitutionnel, Président d’Honneur de la Commission de Venise, Ancien Président de la Cour Constitutionnelle de la Hongrie</i>
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Mr	TANCHEV	Evgeni	Vice-President of the Venice Commission, Professor, Judge and Former President of the Constitutional Court of Bulgaria / <i>Vice-Président de la Commission de Venise, Professeur, Juge et Ancien Président de la Cour Constitutionnelle de Bulgarie</i>
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Mr	MARKERT	Thomas	Director, Secretary of the Venice Commission / <i>Directeur, Secrétaire de la Commission de Venise</i>
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Mr	KALCHENKO	Serhii	Lawyer, Election Expert of the Venice Commission / <i>Avocat, Expert en élections de la Commission de Venise</i>
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Congress of Local and Regional Authorities / *Congrès des pouvoirs locaux et régionaux*

M.	FRÉCON	Jean-Claude	Chairperson of the Congress / <i>Président du Congrès</i>
Mr	KIEFER	Andreas	Secretary General of the Congress / <i>Secrétaire Général du Congrès</i>

Registry of the European Court of Human Rights / *Greffe de la Cour européenne des droits de l'homme*

Ms	SHYROKOVA	Inna	Legal Officer / <i>Juriste</i>
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Directorate of Democracy (DG II) / *Direction de la Démocratie (DG II)*

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EUROPEAN COMMISSION / *COMMISSION EUROPÉENNE*

Mr	DEFAZIO	Giancarlo	Directorate-General for Justice and Consumers / <i>Direction Général pour la justice et les consommateurs</i>
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EUROPEAN PARLIAMENT / *PARLEMENT EUROPEEN*

Mr	KAMARIS	Philippe	Secretariat of the Delegation for the relations with the South Caucasian countries, Eastern Partnership and Russia Unit / <i>Secrétariat de la Délégation pour les relations avec les pays du Caucase du Sud, Unité Partenariat Oriental et la Russie</i>
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ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE/ODIHR)

ORGANISATION POUR LA SÉCURITE ET LA COOPÉRATION EN EUROPE (OSCE/BIDDH)

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**INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEM (IFES) /
FONDATION INTERNATIONALE POUR LE SYSTEME ELECTORAL (FISE)**

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SECRETARIAT / SECRÉTARIAT

PARLIAMENTARY ASSEMBLY (PACE) / ASSEMBLEE PARLEMENTAIRE (APCE)

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FRENCH NATIONAL ASSEMBLY / ASSEMBLÉE NATIONALE FRANCAISE

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