



**Government of Ukraine**  
**Ministry of Foreign Affairs**  
**Gouvernement de l'Ukraine**  
**Ministère des Affaires étrangères**



FFD(2009)13 E

Kyiv, 23 October 2009

**Council of Europe**  
**Forum for the Future of Democracy**

**Kyiv, Ukraine**  
**21-23 October 2009**

***Electoral Systems: strengthening  
democracy in the 21st century***

**CONCLUSIONS**  
**by**  
**THE GENERAL RAPPORTEURS**

**“In a genuine democracy, the citizen is sovereign and the voter decides”**

1. This was the main message of the 2009 Forum for the Future of Democracy, held in Kyiv (Ukraine) from 21 to 23 October under the general theme “Electoral Systems: strengthening democracy in the 21st century”. The Forum addressed the linkages between electoral systems and democratic governance as a whole. When examining practices and their impact at the local, regional and national levels, it considered ways to strengthen the democratic character of electoral processes, identifying the respective roles of public authorities, civil society and the media. It also broached issues such as means to combat disenfranchisement and disengagement, enhance representativity, increase inclusiveness for disadvantaged groups and promote equal opportunities for women and men.

2. The objective of the Forum was to share experiences and identify measures to improve electoral legislation and processes, to ensure equitable, efficient, transparent and accountable electoral administration, to reverse the trend of declining electoral participation and confidence in the institutions of representative democracy, and to reinvigorate democratic practices by credible and inclusive decision-making processes that strengthen political culture.

3. 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. The process of translating the outcome of elections into political mandates should take place in a fair, impartial and trustworthy manner. Citizens must be sure that their collective will has been respected and, in turn, they will accept the verdict from the ballot box.

4. There is no unique type of electoral system which could be recommended as the best model for every country. Each type carries advantages and disadvantages and the choice depends on a number of factors such as historical context, party and political system. The Council of Europe’s objective is to establish a common understanding about all the principles which qualify elections as being “free and fair” in compliance with democratic standards. Those standards must be fully implemented in all elections throughout the Council of Europe space and in those states aspiring to join the Organisation or engage in a privileged relationship with it. **In this way, the Council of Europe space would become the world’s largest “free and fair” election zone. This is the target it should fix for the coming years.**

5. The five fundamental principles of democratic elections are set out in the Code of Good Practice in Electoral Matters, adopted by the European Commission for Democracy through Law (Venice Commission) and endorsed by the Committee of Ministers, the Parliamentary Assembly of the Council of Europe (PACE) and the Congress of Local and Regional Authorities (Congress), namely that suffrage must be universal, equal, free, secret and direct. This must be accompanied *inter alia* by respect for fundamental rights, the organisation of the election by an impartial body, the effective monitoring by election observers and the availability of an effective appeals system, including access to the courts.

6. Since participatory democracy is complementary to representative democracy, civil society organisations can stimulate transparent and inclusive elections. They can contribute to good electoral practices in the fields of financing, campaigning and open dialogue, candidate and voter education, representing and defending the electoral rights of persons belonging to minorities, vulnerable or disadvantaged groups of the population, electoral observation, as well as in the drafting and assessment of electoral legislation.

7. In this context, the Forum welcomes the Code of Good Practice on Civil Participation in the decision-making process, prepared by the Council of Europe Conference of International Non-Governmental Organisations (INGOs) on the basis of the recommendations of previous Forum sessions. The Code is a valuable tool for all stakeholders as it aims to underpin the general principles, guidelines and mechanisms for the active participation of non-governmental organisations (NGOs) in political decision-making processes. The Council of Europe is invited to promote the Code.

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In the light of the context outlined above, the Forum concluded the following:

*a. as regards principles and regulatory framework*

8. There is a need for stable and predictable electoral legislation as indicated in the Venice Commission Declaration on Stability of Electoral Law. However, electoral systems, in their broad sense, are not static and should be able to respond to societal changes such as increased citizen engagement in public life and sense of responsibility, trends towards lowering the voting age, women's increasing demand for more equal participation and rapid developments in Information and Communication Technology (ICT). Nonetheless, changing electoral legislation or rules in the period running up to elections should be avoided, except in order to correct democratic deficiencies.

9. It is only through their impartiality, independence and a high degree of professional competences within their membership that electoral commissions at all levels of governance can achieve transparency, accountability and command the confidence of the public in their work. Therefore, coherent rules governing electoral commissions, the method of appointing their members and their balanced composition, are required and need to be implemented, as well as relevant training of electoral commission officials.

10. Thresholds, both legal and other, as well as barriers for independent candidates, have a significant impact on access to Parliament. The Venice Commission has adopted a report on this subject and is encouraged to continue this work. Similarly, the PACE is encouraged to finalise its report on thresholds and other features of electoral systems which have an impact on representativity. These include natural and other thresholds such as disproportionate deposits required to register as a candidate.

11. Women should be fairly represented at all stages of the electoral process. Built-in bias should be eliminated and member states and political parties should take measures to improve the conditions for women's participation and representation throughout the electoral process. This should include gender-sensitive civic education and possible adaptation of electoral systems to make them more open to women's representation in politics, including by introducing gender quotas for candidates.

12. Persons belonging to national minorities should be adequately represented in elections. It is therefore important that legal and practical measures are taken to avoid any disenfranchisement and to ensure their participation in elected bodies.

13. Many countries allow their citizens residing abroad to participate in elections. The conditions for enabling these persons to cast their vote should be facilitated as much as possible, by all appropriate methods.

14. The Convention on the Participation of Foreigners in Public Life at Local Level aims to ensure that foreign residents are able to participate in their locality, including in its electoral processes. Member states are invited to ratify and fully implement this Convention.

15. All people need to have equal access to information through the traditional media as well as through new electronic media and communication channels (political blogs, social networks, etc.), notwithstanding the current risk of a digital divide.

16. Equitable access by all competing political forces to the media is a prerequisite for balanced coverage of elections and hence for free and fair elections. Regulatory frameworks should be guided by the principles of equal access, non-interference by public authorities in the activities of journalists and other media personnel, and their access to information, and editorial independence.

17. The rights of the media are accompanied by responsibilities, in particular as regards high professional standards. This is particularly important when it comes to opinion polling, as well as the obligation for public service broadcasters and, in principle, private broadcasters to cover election campaigns and outcomes in a fair and balanced manner. These responsibilities and obligations need to be clearly expressed through regulatory or self-regulatory measures and complied with by the media.

***b. as regards practice***

18. Political parties are confronted with a series of challenges and their role in modern society is evolving. However, today, they remain an important vector for the expression of political choices. Therefore, the participation of political parties in electoral processes should be ensured in conformity with the recommendations of the PACE and the Venice Commission, in particular by addressing the following issues according to common standards:

- intra-party democracy and transparency;
- selection and nomination of candidates;
- clear and fair rules for campaign financing;
- equal access to mass media;
- a complaints and appeals system which provides a speedy procedure to resolve disputes;
- replacement of vacant seats.

19. The Code of Good Practice in the Field of Political Parties, proposed by the 2006 session of the Forum and by the PACE, and adopted by the Venice Commission in December 2008, should be observed by all political parties throughout the electoral process. The PACE and all Forum stakeholders should promote political parties' endorsement of the Code in Council of Europe member states.

20. Abuse of administrative resources by the ruling forces for campaign purposes is a particularly widespread and recurrent problem in many elections observed. This ranges from

covert “advertising”, use of official resources for rallies and meetings, to rewards in cash or kind.

21. Lack of, or inadequate, financial disclosure by parties and candidates is also a persistent problem. This needs to be addressed in order to overcome the growing distrust of citizens in political elites, which often translates into a decreasing membership of political parties and involvement in political life.

22. More generally, the question of funding of electoral campaigns needs to be dealt with and clear benchmarks developed to prevent the exponential escalation in levels of campaign funding and to establish full transparency and accountability. The Council of Europe would be particularly well-placed to pursue these issues further, inter alia on the basis of the aforementioned Codes.

23. Measures should be taken to increase voter turnout, for example by providing sufficient time between the announcement of candidates and the actual election day. This would ensure that voters are able to inform themselves properly about their voting options. Furthermore, voting procedures should be facilitated for all people, in particular for disadvantaged groups such as disabled persons and persons deprived of their liberty. Public authorities may also consider organising neutral information campaigns to mobilise the electorate and fight against abstentionism.

24. There is a constant need to improve voting procedures in all member states. The latter should take effective and comprehensive measures to ensure the accuracy of voter registration systems. They should also consider the use of ICT in this field.

25. The introduction of different forms of e-voting, including remote e-voting via the Internet, was discussed extensively at the 2008 Forum in Madrid, and its conclusions remain fully relevant. Electronic voting, including for citizens abroad, will not develop without a high degree of trustworthiness of the electoral administration. One important element for building such trust is an independent certification of e-voting systems. The Council of Europe would be well placed to examine this question from a comparative perspective. Moreover, the Forum observes that an increasing number of member states support the introduction of Internet e-voting for many non-political electoral processes, such as on social, enterprise and health issues.

*c. as regards control and follow-up*

26. Election observation is a key element to inspire trust in an electoral system and the institutions responsible for administering elections. The role of international observation missions for nation-wide elections (IEOMs) by institutions such as PACE, the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE-PA), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the European Parliament (EP) is of crucial importance. For its part, the Congress assumes a similar role in respect of local and regional elections, in partnership with the EU Committee of Regions and OSCE/ODIHR. In this context, the role of international NGO observers is also acknowledged.

27. In member states, relevant regulations should ensure the rights of both domestic and international observers and define their responsibilities. They should also offer simple and

transparent procedures for the accreditation of observers, for speedy remedies before national and local authorities and for effective appeals procedures. In this context, the Forum welcomes the preparation of a PACE report on an internationally recognised status of election observers. Furthermore, the Declaration of Principles for international election observation and of the Code of conduct for international observers, approved on 27 October 2005 in New York, and endorsed by more than 20 organisations and institutions, should be fully promoted and implemented.

28. Domestic - including non-partisan - election observers play a fundamental role in ensuring the electoral process is conducted in a free and fair manner. They can play a particularly crucial role in monitoring media coverage in the run up to and during the electoral campaign and its immediate aftermath. The Forum encourages relevant NGOs to intensify their mutual exchange of experience on election observation. International and national institutions, including the Council of Europe, are invited to develop awareness-raising and training programmes for domestic observers.

29. Confidence in vote counting and tabulation of the results is essential. This implies transparency, i.e. observers, candidates' representatives and the media must be allowed to be present and have access to the records. The Forum urges prompt transmission and wide publication of the results, at all levels, including on the Internet whenever possible.

30. The immediate post-electoral period is an integral part of the electoral cycle. It is essential that all stakeholders are committed to ensuring a peaceful confirmation and implementation of the election results through a transparent and fair process, including an effective appeals system.

31. The experience of the Council of Europe's Programme on pre-electoral assistance has shown that the deficiencies of the electoral system and electoral legislation in certain member states require a systematic follow-up and monitoring, including media monitoring, throughout the different stages of the electoral process. The Council of Europe, including PACE and the Congress through their respective monitoring procedures, is invited to develop or consolidate processes that enable it to take on such a role, in close co-operation with other international actors in this field.

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32. All stakeholders involved in the Forum are invited to combine their efforts to define the most efficient ways of translating the conclusions of this Forum's session into specific action within their respective institutions at European and national level.

33. The Forum expresses its appreciation and gratitude to the President of Ukraine and the Ukrainian Government for the excellent organisation of the 2009 Session and the generous hospitality.

34. At the invitation of the Armenian authorities, the 2010 session of the Forum will take place in Yerevan, on the theme of "The Council of Europe Consensus on the Principles of Democracy".