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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**4th EUROPEAN CONFERENCE
OF ELECTORAL MANAGEMENT BODIES**

***“Fighting against electoral fraud –
Complaints and appeals procedures”***

Strasbourg, 20 – 21 September 2007

COUNCIL OF EUROPE, PALAIS DE L'EUROPE

SYNOPSIS

The Fourth European Conference of Electoral Management Bodies – “Fighting against electoral fraud – complaints and appeals procedures” was organised by the Venice Commission in Strasbourg, on 20 - 21 September 2007. The issues which were addressed during the conference included the recent elections in Member States (focusing on problems observed during the vote and action taken to remedy them), as well as fighting against fraud - specialised bodies or ordinary courts?; a comparative study of the advantages and drawbacks of each approach, the challenges posed by distance voting; problems related to the financing electoral campaigns, and the European Court of Human Rights case-law on violations of electoral rights.

Around 130 participants from different national electoral management bodies of the following countries attended the conference: Albania, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Canada, Croatia, Denmark, Georgia, Germany, Finland, Hungary, Kyrgyzstan, Latvia, Lesotho, Lithuania, Malta, Mexico, Moldova, Netherlands, Nigeria, Panama, Philippines, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Uganda, United Kingdom and USA as well as members of the Parliamentary Assembly of the Council of Europe.

Representatives of the following international and regional organisations also attended this event: the Association of Central and Eastern European Election Officials (ACEEEO), the International Institute for Democracy and Electoral Assistance (International IDEA), the Institute Federal Electoral of Mexico (IFE Mexico), the International Foundation of Electoral Systems (IFES), Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Development Programme (UNDP).

Reports were presented by Messrs Gregor Wenda (Austria), Stephan De Mul (Belgium), Jussi Aaltonen (Finland), Henk Kummeling (Netherlands), Mrs K. Lemon (Sweden), Mr Marco Mena (Mexico), Mr Aivars Endzins (Latvia, Member of the Venice Commission), Mrs Lidija Korać (Bosnia and Herzegovina), Ms Melanie Volkamer (Germany), Messrs Lech Garlicki (Judge, European Court of Human Rights), Jean-Claude Colliard (France, Member of the Venice Commission), Sam Younger (United Kingdom), Gerald Mitchell (OSCE/ODIHR), Jean-Pierre Kingsley (IFES), Ayman Ayoub (International IDEA), Zoltan Toth (ACEEEO) and Manuel Gonzalez (Mexico).

The Conference:

1) invited participating States to:

- 1.1 ensure the access of electors and candidates to an effective system of appeals as laid out in the 'Code of Good Practice in Electoral matters' adopted by the 'Venice Commission' in October 2002;
- 1.2 provide an effective system of prevention and repression of electoral fraud, - including its use during the pre-election and election phases - and fraud in respect to the registration of electors and candidates, election advertising and election financing;
- 1.3 adopt necessary measures to ensure the implementation of the rights enshrined in Article 3 Protocol 1 of the 'European Convention on Human Rights' and the corresponding case-law of the European Court of Human Rights;
- 1.4 implement the obligations, commitments and decisions of other respective international instruments – including the 'Copenhagen Document of the OSCE' by which the state is bound.

- 2) requested the Venice Commission to conduct a study on the inter-relationship between different national institutions - including the judiciary - and supranational institutions, responsible for dealing with complaints and appeals, to be submitted prior to the next European Conference of Electoral Management Bodies (EMB).
- 3) took note of the broad consensus to continue holding European conferences of Electoral Management Bodies annually, in a flexible and informal manner, on topics of common interest, amongst election experts from the public and, if invited, the academic sector. Participation shall be open to all European EMBs and relevant international institutions as well as to interested election authorities from other parts of the world, on equal levels. The secretariat to the conferences will be provided by the Venice Commission. Conferences shall be held, if possible, at different venues.
- 4) agreed that the 5th European Conference of EMBs will be held on the topic of '*Distance voting from abroad*' in the year 2008, at a venue to be announced.