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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE STATE COUNCIL OF EGYPT

**2nd INTERNATIONAL CONFERENCE OF THE ARAB UNION OF
ADMINISTRATIVE JUDICIARY**

8-9 October 2018

**Cairo, Egypt
Cairo Marriott Hotel**

CONCLUSIONS

The State Council of Egypt and the Venice Commission organised a conference “Voting in Elections and Referendums – between Right and Duty” on 8 – 9 October in Cairo. Representatives and experts from Algeria, Belgium, Egypt, France, Kuwait, Jordan, Italy, Iraq, Lebanon, Luxembourg, Libya, Mauritania, Morocco, Tunisia, Spain and Sudan took part in this event.

Democracy is inconceivable without elections held in accordance with certain principles that lend them their democratic status. Universal suffrage which covers both active (the right to vote) and passive electoral rights (the right to stand for election) is an essential principle of democratic elections.

Many efforts have been made by individual states and international organisations to provide guarantees for the exercise of this right. In the last fifty years considerable progress has been made on the level of national constitutions and electoral legislations in Europe, in the Arab countries and in other parts of the world. However, the democratic nature of a given election is ensured not only by a set of legal norms. Voters need to have confidence in the electoral process and ensure its legitimacy through their participation. However, most modern democracies have to face the challenge of decline of participation of citizens in elections.

Political participation is a multidimensional phenomenon. Abstention may be an entirely deliberate choice and may pursue different aims: express an opinion – not wanting to choose - protest against the established political system or mark a degree of weariness with regard to political representativeness. One essential premise of political participation is the conviction on the part of the citizens that their vote matters: that their vote may influence the government's choices and decisions. Abstention is often the result of disappointment on account of widespread corruption, of insufficient information for the voters, insufficient or biased campaigns in the media, insufficient measures to promote gender equality, or of too many elections taking place very close to each other (the so-called “election fatigue”). But a low turn-out may also be due to practical difficulties in exercising the right to vote: difficulty to register on the voters' lists, insufficient number of polling stations, and difficult access for voters with disabilities for example.

The conference provided an excellent opportunity to compare the constitutional and legal practice and the analysis of the socio-political situation of countries from four different continents: an endeavour – that of extended comparative work - which the Venice Commission has been practicing for a long time with very satisfactory results.

Exchanges on the phenomenon of reluctance to participate in voting and its causes showed that there were a considerable number of areas where specific actions could and should be taken.

Elections should always be carried out according to the constitutional and legal provisions in force in the country and in accordance with international standards.

Political parties should promote internal democracy in order to gain the confidence of the electorate. The traditional parties loose the confidence of the voters because of their reluctance to reform their internal way of operation and accountability.

States should strengthen and take measures to implement in practice the equality between male and female candidates in elections, as an essential corollary to the right to vote.

New demographic realities have to be addressed through specific measures on the level of electoral legislation and practice. Delimitation of constituencies based on a more accurate and balanced representation of voters from both urban and rural areas could have a positive effect on voters' participation in elections.

The age groups are another important factor which impacts voters' participation in elections.

States could consider extending the right to vote in local elections to non-citizens who have been legally resident for a certain length of time.

The transparency of the electoral process should be ensured; corruption should be fought effectively and relentlessly.

The cyber-security threats and the possible manipulation of voters' opinions should be effectively countered with due respect for freedom of expression.

New technologies offer an alternative to the traditional means of political participation through political parties and elections. By encouraging discussion on topics close to the citizens' interests, they stimulate and enable individual and direct participation in the decision-making. New technologies may therefore reinforce political participation. As such, they should be positively viewed.

In States where compulsory vote exists, it contributes to increasing voters' information and possibly interest in the elections and may contribute to ensuring stability. It responds to the need to encourage greater responsibility on the part of the voters for the interests of the State.

Sanctions for failure to exercise the right to vote mostly have a deterrent effect. If they are implemented in practice, they must remain proportionate in order not to infringe the freedom of expression of the voters. They may not substitute for the possibility for the voters to exercise a genuine choice among plural and diverse candidates.

It is of the utmost importance that the exercise of the right to vote be made legally but also practically possible. States should therefore commit to taking into account all the factors which may affect political participation in order to devise effective solutions.

Forums like the present conference offer unique opportunities to exchange ideas and good practices; they should be encouraged.