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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMMENTS ON  
THE DRAFT CONVENTION  
ON ELECTION STANDARDS,  
ELECTORAL RIGHTS AND FREEDOMS**

**by**

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### **Preliminary remarks**

1. The Venice Commission has been invited by the Association of Central and Eastern European Election Officials (ACEEEO) to give an opinion about the Draft Convention On Election Standards, Electoral Rights and Freedoms (hereinafter, “the Draft”), approved by the participants in the international conference of the Association, held in Moscow (Russian Federation) on September 26-28, 2002 (CDL(2003)057).

2. The Draft explicitly intends to summarize “in a legally binding international law, the experience that the Council of Europe and various states have accumulated on legal regulation and administration of democratic elections; specifying and amplifying the basic provisions set forth in Article 3 of Protocol No. 1 (entered into force in 1954) to the European Convention for the Protection of Human Rights and Fundamental Freedoms...; and defining the international law features of the modern democratic electoral process in a newly integrated Europe” (Explanatory Note).

3. At first glance, when one looks at the proliferation of international documents and Conventions, one may even wonder how many Conventions of Rights may Fundamental Rights bear. In fact, in European countries, electoral rights and freedoms are almost always ruled by national Constitutions, and by most human rights Conventions, since the 1789 *Déclaration des Droits de l’Homme et du Citoyen* (Articles. 3 and 6: “The principle of any sovereignty lies primarily in the Nation”; and “The law is the expression of the general will. All the citizens have right to contribute personally or by their representatives to his formation”). Among these Conventions and Declarations, we may point out:

- the 1948 United Nations Universal Declaration of Human Rights (Article 21: “the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”);
- the 1966 International Covenant on Civil and Political Rights (Article 25: “Every citizen shall have the right and the opportunity...(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”);
- the ECHR and the already quoted Article 3 of Protocol N. 1 (The Parties undertake « to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature»); or
- the Code of good practice in electoral matters of the European Commission for Democracy through Law (CDL-AD(2002)023rev).

Different texts and different wordings have often the same purpose: to grant a given fundamental right, such as the right to political participation, in general, and the right to suffrage which makes political participation possible.

4. Nonetheless, it is possible to find differences of perspectives. In particular, the Draft states in its Preamble the wish of the States parties to this Convention “to contribute to the development of democratic traditions, such as the expression of the people’s will in elections on the basis of real political pluralism and a multi-party system, under the supremacy of the constitution (and other fundamental laws of the state) and national laws relying on the universally accepted norms and principles of international law”; and their conviction “that democratic elections are one of

the political and legal instruments of a stable civil society and sustainable development of the rule of law”.

5. Those purposes seem to reveal a particular position. In general, the right to political participation appears linked to general concepts such as national/popular sovereignty, rule of law, and so on. Modern states (be it the parliamentary Britain, be it the revolutionary France) give birth to new political structures, based in national/people’s will, and the rule of law as expression of that will. At a first moment, elections, and electoral traditions, are not democratic, in the sense of not being based on universal suffrage. Nevertheless, they evolve, more or less peacefully, by enlarging the right to vote and the right to be elected. In this sense, in most countries of Western Europe, there is an “electoral heritage” which is linked to democratic values. Elections express the will of the nation, first; and of the people, after. However, the perspective is individualist, as in most of the liberal Declarations of rights. The vote is (must be) free. The vote is (must be) secret. The vote is (must be) direct. The votes are (must be) equal.

6. In this Draft, however, there is not a will to describe the principles of “the European electoral heritage” (as in the “Code” of the Commission for Democracy through Law), but to prescribe the principles which should contribute “to the *development* of democratic traditions”, according to the explicit purpose of this Draft. In a sense, it could be said that the Draft tries to develop a democratic tradition that already exists in other countries and spheres. In western traditions, the development of elections is more or less parallel to the development of democracy. However, in the Draft, there seems to be the idea that elections can be not democratic at all.

7. The consequence is what could be called a “structural/global approach”, more than an “individual” one. In other words, the Draft seems to point out how elections have to be held to be democratic (free elections, genuine elections, fair elections), more than the features of the democratic vote (free, universal, secret, direct suffrage), which seem to be more or less known. That is why the Draft primarily defines standards, more than the rights of the voters. These are, of course, also considered. But the Draft Convention emphasises other aspects, such as real political pluralism, multi-party system and real and law-based possibility of election, as previous requirements (Article 4.1); the right not to participate in elections (Article 2); the duty of elected candidates to assume and to remain in office (Article 4.7); or the definition of the rights of national and international observers (Articles 15 and 19).

8. In a way, it could be even said that this Draft responds to a previous heritage of non-democratic elections. The suffrage is well known, but the functioning of the whole system may not be democratic. The emphasis is not as much in the suffrage as in the elections as a whole. Of course, democratic elections require universal, free, secret, direct, equal votes. That is not enough. Without real pluralism, multi-partism, freedom not to participate, without observers... the votes can be useless in democratic terms. Elections can be fraudulent. In addition, the point is to define “the international law features of the modern electoral process in a newly integrated Europe”, to set “the standards of democratic elections” (explanatory note of the Draft, first and second paragraphs).

### **General structure of the draft**

9. According to that general objective, the explanatory note tries to give a general idea of the Draft. It consists of 27 Articles, grouped in four blocks, which, in fact, are not formally separated, and seem to be very unequal in length. Concretely,

- “the first block deals with the standards of democratic elections”, including election principles, language guarantees, and “a mechanism guaranteeing the electoral rights and freedoms of election participants”;
- the second “defines the status of election participants and the technological infrastructure of the modern electoral process”;
- the third one “defines the parameters of the status and powers of international observers”, so that it is, in fact, composed just by Article 19; and
- the “concluding block... sets forth the measures that must not be regarded as discriminatory in the legislative regulation of the national electoral process”, i.e., some acceptable limits of the electoral rights and freedoms (Articles 20 to 22).
- In fact, there is a fifth part or block of articles, made of by the five last Articles (23 to 27). Although the explanatory note considers these articles to be part of the fourth block, I think they are clearly a separate part, not related to the object of the Convention, but to the life of the Convention itself (signing, ratification, entry into force, accession, denunciation, notification...).

10. Therefore, these comments will follow that structure, pointing out different aspects of the Draft.

### **Block one: standards of democratic elections**

11. As it has already been noted, the first group of articles tries to define the standards of democratic elections, which include rights, principles and organisational elements.

12. First, the principles. Democratic elections must be free, periodic and mandatory, fair, genuine, open, and public. Different features which, as it has been exposed, refer to the whole election, and not only to each one of the votes.

13. Thus, the idea of *free elections* has to do with the rule of law: elections have to be held on the basis of the (constitutional, statutory) rules, which have to be in force “before the beginning of the election campaign” (Article 2.2). The provision protecting voters’ choice “without coercion, threat of coercion, or any other unlawful influence, whether to participate or not to participate in elections... without fear of punishment, influence or compulsion” (Article 2.3), so that “participation... in elections shall be free and voluntary” (Article 2.4) is particularly meaningful. In this point, and even some different details could be found, there seems to be some reiterative terms, when this same paragraph states, “no one shall influence a citizen to compel him to participate or not to participate in elections or electoral procedures”. In any case, those provisions do not contradict “the obligation of a citizen to participate in the voting laid down by the constitution and law” (Article 2.5).

14. Moreover, some original and useful cautions are included. Close to the traditional bans to prevent voters from freely expressing their will, and to compel citizens to declare their intentions of vote, a new – and quite practical- prohibition is set up: “it shall not be allowed to gather, publish, or disseminate personal information about voters who have or have not taken part in the voting”. Such information may be particularly valuable for parties’ campaigning among the non-voters.

15. One can legitimately wonder about the reach of Article 2 paragraph 7, according to which “foreign nationals, foreign legal entities, and international political movements shall not be allowed to participate unlawfully in any activity related to the calling for and holding of elections, the funding (including donation of funds) of the election campaign of candidates,... or

other organisations which are directly or indirectly associated with a political party...”. In the “newly integrated Europe” to which the Explanatory note appeals, this ban may seem too extensive and unreasonable: foreign citizens (even foreigners residents in a given country), international –particularly, European - parties, party foundations... may contribute, in different ways, to elections. In fact, this ban explicitly refers to “unlawfully” participating, which could mean that “lawful” participation is allowed. It would make the formula used unnecessary: the rules set by the constitution or the laws may, of course, establish particular limits to the participation in electoral processes of foreign citizens and/or legal entities. However, apart from those explicit restrictions, it is very difficult to make a general statement referred to all aspects of the electoral process.

16. Article 3 is dedicated to the principle of “Periodic and mandatory elections”. Apart from defining the principle (“elections must be held at reasonable intervals established by the constitution and/or law”), it specifies that those intervals, as a rule, “shall not exceed five years” with reference to representative bodies. A term, which clearly responds to the criterion of reasonability. It also foresees the possibility of restriction on electoral rights and freedoms, including the election postponement, in extreme situations such as state of emergency or martial law.

17. Article 4 refers to “genuine elections”. A basic principle, even the most basic principle. When we talk about democratic elections, we mean “genuine elections”, and this idea implies “the determination of a freely expressed will of voters and its direct implementation”, defining “a *real* and *law-based* possibility to elect candidates”, in a framework of “*real* political pluralism, ideological diversity, and a multi-party system”, through parties “whose lawful activity is under the legal protection of the state”.

18. That “real” possibility also requires that voters have “timely and free access to information”, and that candidates “have access to the mass media and telecommunications media under equal legal conditions” (4.3), following previously known (and “clear, definite” and “applied in a uniform manner”) procedures, which “allow candidates... to organise a full-fledged election campaign”. And this guarantee includes, of course, the right to appeal possible violations of the election laws (4.6). Apart from the already mentioned duty of elected persons to “assume office” and to “remain” in it until their powers are terminated according to constitutional or legal rules. A duty which clearly points out the possibility of fraudulent elections, neither genuine nor real, simply because the elected people do not assume their duties or resign, leaving non-elected people in charge.

19. The principle of “Fair elections” (Article 5) implies other traditional features of the right to vote: particularly, the ideas of universal and equal suffrage, and others such as that of equal legal conditions for participating in election campaigns, or the full transparency about funding and expenditures. However, there are some original aspects, whose meaning should be possibly better understood in the global perspective already pointed out. For instance, Article 5.2.4 includes within the guarantee of fair elections the “*honest* execution of electoral procedures provided for by laws, specifically during voting and vote counting”, and the “rapid provision of full information about all voting results”. Much more classical seems the exigency of “organisation of the electoral process by impartial election bodies”, working openly, publicly and independently, like the necessity of “quick and effective adjudication by courts and other bodies and officials... of complaints and statements about violations of election laws”.

20. The content of the principle of “open and public elections” is also quite traditional: “elections shall be prepared and held openly and publicly”. This refers to all decisions related with the electoral process, including statutory acts (which “shall not be applicable until they are officially published”; and “shall have no retroactive legal force” when they “restrict electoral rights and freedoms”), and includes the exigency of creating “legal conditions for the exercise of effective public control... and for impartial international monitoring of elections”. This principle does not extend, of course, “to the secrecy of voting and the expression of the voter’s will”.

21. Article 7 introduces the obligation of considering the existence of different languages in a country, so that electoral proceedings will have to use official languages of all regions..., languages of minority peoples and nationalities, and national minorities and ethnic groups within the territory in which regional or minority languages are used, in accordance with the situation of each language and *as far as this is reasonably possible*. This principle is obviously related with the very idea of real, genuine, and in general democratic elections: elections are not genuine, free, and democratic if some groups of citizens can have no free, real, equal... access to information and means.

22. Article 8 defines “the principle of universal suffrage”, which implies that every citizen has the right to elect and to be elected, with submission to some traditional conditions: age (including the exceptional possibility of different ages to elect and to be elected to certain offices) and full exercise of rights and discharging of duties (including the restriction of electoral rights by the judiciary). This principle is closely related to the “effective, impartial and equitable procedure of state registration of voters”, and to the existence of a voter list, which has to be updated periodically. Each citizen has also “the right to correct this information to ensure its completeness and accuracy, as well as the right to know who is using or has used this information and why, and to whom it has been supplied” (8.1.5).

23. In this respect, it must be pointed out that the right to suffrage is linked to citizenship (including citizens residing abroad), and not to nationality in the ethnic sense, without any other distinction relating to different kinds of elections. Therefore, it should be understood that foreigners are not entitled to vote even in those “other” elections, because they are not citizens. And residence – only, once more, for citizens - can be only required for local or regional elections, with a limit of six months, unless a longer period may be justified for the grounds of protecting national minorities and/or ethnic groups.

24. The principle of “equal suffrage” (Article 9) includes the formal meaning of equal number of votes (“one man, one vote”), and the substantial meaning of equal weight of the votes, which obliges to consider the problem of constituency or district formation. Of course, in this point the criterion is that of “a minimum allowable deviation” from an average representation quota for a constituency, “with due regard to territories with national minorities and ethnic groups”, which allow greater deviations.

25. Also related to this principle of equal suffrage, the Draft establishes different types of voting, which can be admitted without violating that notion: voting outside the polling station, postal voting, with a power of attorney... In any case, free and secret personal expression of the will (defined in Article 11) must be ensured.

26. A final comment deserves to be made. Paragraph 4 of Article 9 foresees that “a candidate shall no take advantage of his position or official status to gain election or the nomination and/or

election of other candidates...”. In my personal view, this idea is pointing out one of the main sources of inequality in contemporary political life, and of course in elections. In fact, the Draft only mentions the classical notion of restriction of the right to be elected due to the official status of some persons in Article 20 admitting some restrictions referred to the right to be elected, or better to say, to be a candidate. But the dimension of modern administration makes it difficult to control the use of public means (time, facilities, even staff members) for electoral purposes, a problem to which the Draft opposes the general obligation of the States who are Parties in the Convention “to prevent the state, administrative and other resources, including state and municipal employees, from being used to express preferences or create privileges or restrictions for candidates or political parties... participating in elections” (Article 21.2.5). A point that deserves to be underlined.

27. The traditional principle of direct suffrage applies in general to elections of representative bodies, even though exceptions can be admitted with particular reference to second legislative chambers (Article 10).

28. This first block of provisions finishes with Article 12, allowing some exceptional measures which could be considered as violations of the principle of equal suffrage (and equal conditions and opportunities to participate in the electoral process). More concretely, the Draft includes “additional possibilities” to “take further measures” to ensure to women conditions equal to those enjoyed by men; and to guarantee disabled persons, or other categories of population (“representatives of indigenous and small peoples, nationalities, other national minorities, or ethnic groups”) additional conditions for their participation in the electoral process. A rule that may be necessary, subject to certain formal and substantial conditions (particularly, the need to find a constitutional basis able to justify the different legal treatment), but which can also be very dangerous, unless it is very clearly defined.

### **Second block: status of the election participants.**

29. Article 13, referred to the “preparation and administration of elections by independent election bodies” could be considered the end of the first block, or the beginning of the second. In fact, I do include it in this second group of articles just to emphasise its relevance for the public monitoring and guarantees of the electoral process. These bodies are required to act “independently, impartially and within the scope of competence and powers established by the constitution and/or laws”. The law must also rule the procedure for their formation, and for appealing their decisions.

30. Article 14 is dedicated to define the status of parties (candidates, parties and coalitions) at elections. Of course, the basis of this status is formed by traditional political freedoms: to express their views and preferences, to search for, obtain and communicate information, to travel over the country, to associate with others in political parties...

31. The States parties in the Convention are also obliged to organise what could be called an institutional campaign about elections, “informing citizens and other election participants” about the rules of the electoral process (14.4).

32. The Draft allows some measures which may be specified by the law to restrict the right to nominate and register candidatures. Be it through the requirement of a number of voters’ signatures (which shall not exceed 2 percent, an excessively high percentage: Article 14.5, paragraph 2), through the payment of an electoral deposit (which must be returned if the

candidature receives a certain number (percentage) of votes). The existence of an electoral threshold, once more established legislatively, for parties (coalitions) to participate in the distribution of deputy mandates, is also foreseen, with the clear aim of avoiding the atomisation of the Parliament, divided into too many small party groups or fractions, and thus trying to make it easier to form governmental majorities.

33. Article 15 rules the “status and powers of national observers, agents of candidates”. This article shows clearly the global difficulties previously suggested, especially when referring to “national observers” appointed by non-governmental public organisations. The point is that free, fair, genuine... in a word, democratic elections reach legitimacy through different ways. One of them is, of course, by having an electoral administration, which acts with respect to the already quoted principles of independence and impartiality, always related to the rule of law. It is, in a word, a technical control of the rules made by a body which is external to the political fight, and whose “externality” is ensured through different rules (composition, decision-making, statute of their members...).

34. A second way is, of course also, by “internal control”: candidates, parties and coalitions taking part in the electoral fight, have their representatives and observers in all the electoral process, so that they may report on any suspected violation of democratic rules, and even appeal to the competent bodies (administrative or judiciary), to provoke a decision on any conflicting point. Therefore, it is a control based on the partial defence of different interests, internal to the electoral process.

35. There is even a third way, due to general social control. If the electoral process is submitted to the principles of publicity and openness, as a principle there is a quite general control, which may be especially evident in moments like voting or vote-counting, which have to be open to citizens in general.

36. The problem may be in the participation of observers appointed by national non-governmental organisations. In fact, and out of some particular moments (transitions, periods of high political conflict), the non-governmental organisation observers tend to reproduce the idea of an “external” (independent, supra-partes, impartial) control, even when it is difficult to test, and to control, the real independence of those organisations from all political parties or, at least, political interests or trends. From this perspective, the participation of these observers should be carefully defined: number of organisations, time in which they can act, rights which they are entitled to... In this sense, the Draft establishes the same status for agents of candidates than for NGOs observers, without imposing any additional limit. The only restriction, quite logical and common to all kind of agents and observers, is that the law may prohibit the simultaneous presence at a polling station of two or more observers representing the same interests.

37. Article 16 provides rules for funding of elections and election campaigns. It requires, of course (although this rule may be absent in most of traditional electoral laws) that the public activities related to elections must be funded in proper conditions (“the budget funds shall be allocated and made available to election bodies in due time and in amount sufficient for organising and administering elections...”).

38. More usual is the requirement of public funding of candidates and parties participating in elections, “on a fair basis” as the possibility of private funding. The allocation of public funds must follow objective criteria, such as number of votes received in previous elections, number of registered candidates, status of a parliamentary party, etc. In any case, the rules include the



provision of a maximum size of the election fund, and the openness and transparency of private donations and expenses, which allows an effective control by the competent bodies.

39. With respect to information support of elections and election campaigns, the States must ensure the basic freedoms (to search for, to collect and to disseminate information, without censorship), and the equality of treatment of the candidates and parties, through impartial and balanced information, “without any political, ideological or other biases”. This is another of the basic points of modern elections, in which the absence of objective criteria (as it may be, for instance, the competence of the independent electoral bodies to control possible partiality in information) may impede a good working of election principles. Access to private (paid) media is also allowed, submitted to the general control of election expenditure. And, even when these rights have to be of course limited, the problem may arise when defining the limitative criteria: for instance, Article 17.3 quite logically bans “purposeful direct or indirect defamation of candidates or political parties (coalitions) participating in elections... in the mass media and telecommunications media”. The provision of 17.5, according to which “no abuse of the freedom of assembly,... of association, ... of speech and freedom of mass media shall be allowed, including calls for a violent seizure of power, a violent change of the state system, a violation of the territorial integrity of a state, calls directed at campaigning of war, or terrorist or other violent acts inciting social, racial, gender, national, ethnic or religious hatred and enmity”, seems more difficult. The problem will be, of course, the effective control and implementation of these rules, which should be restrictively interpreted.

40. To finish with this Article, the provisions calling for using all native languages and additional instruments for all citizens (including those belonging to national or ethnic minorities, or those with physical or other disabilities) to participate in the electoral process must also be positively considered.

41. Article 18 sums up the rules for complaints for violation of electoral rights and freedoms. It sets up the general principle that all national (constitutional, civil, administrative, criminal) procedures must serve to the legitimate and public nature of elections. The subjects entitled to submission of complaints because of violation of electoral rights and freedoms are widely considered, so that they include all participants in the electoral process. Of course, procedural details have to be clearly laid down by law, and they have to consider the special nature of these processes, particularly with respect to the time of adjudication, which “shall not lead to the postponement of elections or electoral procedures, shall not violate the integrity of the electoral process, and shall not in any way affect the actual expression of the will of citizens”, as general but clear criteria.

### **Third block: status of international observers**

42. This block is in fact composed of just one Article, Article 19. It considers an aspects which is quite usual in “new democracies”, that is the participation in the electoral process of international observers, experts usually appointed by international organisations to guarantee the respect of all rights and freedoms constitutionally, legally or conventionally established. Even when these observers share partially the same status (rights and duties) already seen with reference to national – NGOs- observers, they are probably less likely to create problems of partiality, even though the conditions for their participation and their powers should also be carefully defined. In this respect, Article 19.7 makes a quite comprehensive list of powers, which obviously highlights the limits of not interfering in the work of the bodies in charge of the preparation and administration of elections, and the prohibition to “engage in any activity

unrelated to monitoring of elections”. Their opinions must be publicised “after the end of voting”, thus avoiding any possibility of political/electoral usage.

#### **Fourth block: measures not to be regarded as discriminatory in the legislative regulation of the electoral process**

43. This part of the Draft, as clearly stated by the explanatory note and by the title of Article 20, tries to set up some rules which can legitimately limit the electoral freedoms and rights acknowledged in the rest of the document, and that in some cases have been already admitted in previous articles.

44. The first one is a general rule, very similar to others established in many international documents on human rights. It says that “the electoral rights and freedoms of individuals may be restricted by law *only so far as it is necessary* for the protection of” some other constitutional or general principles, such as “health, rights, and legitimate interests of other persons, the safeguarding of national security and public order, and the prevention of crime” (20.1). In the same general sense, paragraph 3 requires that some particular restrictions “may be imposed only by law”, and “shall conform to the international obligations of a state”.

45. Other paragraphs admit other measures, be it negative (restriction of rights for incapable or criminally sentenced persons; establishment of a “reasonable period” after naturalisation to be fully entitled to enjoy electoral rights and freedoms, and provided a liberal policy with respect to naturalisation is pursued) or positive (legislative allocation of a quota of deputy mandates to ensure representation of minorities, additional guarantees for women or disabled persons, including measures for inclusion on lists of candidates). Some of these possibilities are, once more, foreseen in Article 21.2.2, which obliges the Parties to the Convention “to take the necessary measures... to assure that [these categories of persons] have additional means for participating in elections”.

46. Article 20 allows also some measures concerning the possibility of restricting the participation in the electoral process to some categories of persons, for various reasons (“candidates running for re-election”; “members of the clergy, employees of a body of executive power, judges or prosecutors”). A restriction with, as previously suggested, is strongly justified, even if the different cases have to be looked at carefully, taking into account the various circumstances in each country; and, what is more, leaves out some other cases of categories of persons who, because of their position, could influence the voting (for instance, owners of media holdings).

47. Article 21 comes to summarise the “obligations” undertaken by the Parties to the Convention. Most of those obligations are already pointed out, be it because of their general character (“to guarantee protection of the democratic principles and norms of electoral law, the democratic nature of elections...; to have strict requirements for declaring elections legitimate”: 21.2.1; “to develop, introduce and/or use new information and computer technologies... which contribute to the openness and publicity of the elections... and to raise the trust of voters, candidates... and other election participants in electoral procedures and elections in general”: 21.2.6; “to adopt national programs... of civic education and training...”: 21.2.7; and others); be because it repeats obligations previously defined (“to take the necessary measures, including legislative measures, to assure that women, persons with... disabilities,... national minorities or ethnic groups, have additional means for participating in elections”: 21.2.2; “to establish an effective and non-discriminatory procedure for the registration of voters”: 21.2.3; the already

mentioned prohibition to use public resources and employees for partial electoral campaigns: 21.2.5).

48. Some other obligations are more interesting. That is the case of Article 21.2.12, which foresees the possibility of foreigners residing in the country to take part in some categories of elections: “to strive to grant the right to elect and be elected in elections for bodies of local administration... enjoyable to foreign nationals and stateless persons who reside permanently on lawful grounds in the territory of the [State] Party to this Convention, provided they meet the same criteria as citizens of the state”.

#### **Fifth (and final) block**

49. Even when they are considered as part of the precedent block in the Explanatory note, the last six articles are more generally referred to the life of the Convention: Article 22 specifies that nothing in it prevents the States Parties from the fulfilment of their international obligations, nor shall interfere with other spheres of rights and freedoms. Article 23 rules the procedure for signature and ratification of the Convention, and for its entry into force. Article 24 refers to the possibility of accession of states that are not members of the Council of Europe. Article 25 defines the obligation of the Parties to present periodically to the Secretary General of the Council of Europe a report on the measures taken in the sphere of this Convention, and Articles 26 and 27 provide for the possibility of denunciation of the Convention and describe the obligations undertaken by the Secretary General of the Council of Europe referred to notification of various events related to the life of the Convention.

50. As a conclusion, the Draft has some elements which reproduce other international – or, more specifically, European - international documents; some others which can pose some difficulties; but, in general, it offers a quite interesting regulation of the different aspects of the electoral process, including not only rights and freedoms of the different agents involved, but also an accurate description of the context and the circumstances which may influence, and give sense, to the whole process.