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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**FIFTH EASTERN PARTNERSHIP
FACILITY SEMINAR
ON ELECTION OBSERVATION
AND CENTRAL ELECTORAL COMMISSIONS**

**Council of Europe
Meeting Room No. 8**

**Strasbourg, France
25-26 November 2013**

SUMMARY AND CONCLUSIONS

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Summary

1. Welcoming representatives of the Central Election Commissions (CECs) of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine, the Secretary of the Venice Commission, Mr Thomas Markert, paid tribute to the work of OSCE/ODIHR, and referred to the role of the Venice Commission in election observation.
2. The morning session was moderated by Ms Tamar Zhvania Chairperson of the Central Election Commission of Georgia. The first presentation was made by Mr Owen Masters, Venice Commission Expert. The topic being an introduction to the Venice Commission Document on an "Internationally Recognised Status of Election Observers". There followed a discussion on the role and limitations of observers, including the experiences of Central Election Commissions in the countries attending.
3. The topic of Election Observation - Mandate and Implementation was presented by Mr Nikolai Vulchanov, Election Expert. After making reference to the history of international observation, Mr Vulchanov stressed that Officials in Election Management Bodies (EMBs), should treat observer organisations as partners, and that a professional EMB can only benefit from the presence of observers. He added that the presence of an International Observation Mission (IOM), does not in itself legitimize an election.
4. Ms Beata Martin-Rozumilowicz, OSCE/ODIHR Head of Department, outlined the experience of OSCE/ODIHR in election observation. After explaining the number of observation missions undertaken by the organisation, she stressed the need for an early invitation to observe elections. Normally the organisation will deploy a "Needs Assessment Mission" some 4-6 months prior to an election, and early establishment of the observation mission will bring the greatest value not only to the observation, but to EMBs and the election process.
5. Mr Chemavon Chahbazian of the Parliamentary Assembly of the Council of Europe (PACE), explained the complicated procedures for appointing observers to participate in a PACE delegation to observe elections.
6. The afternoon session was moderated by Mr Iurie Ciocan, Chairperson of the Central Election Commission of Moldova. The first presentation of the afternoon was given by Ms Tamar Zhvania, Chairperson of the Georgia Central Election Commission, on the topic of "The Role of Electoral Commissions in the Training of Election Observers". The meeting was informed that in the last election in Georgia, there were 62,000 National Observers, without the Political Party Observers. Georgia organises training for observers in order to ensure that observers have a uniform understanding of election procedures, and this is also beneficial in raising voters confidence in the election process.
7. There followed an Exchange of Experience between the participants of Central Election Commissions and Election Experts. The discussions included: "Who has the Right to Observe - Invitation and Accreditation", "The time of Election Observation - Before - During Election Day, and after the Election", "The Rights of Election Observers and their possible Limitations, and "The Role of Election Commissions in Guaranteeing these Rights".
8. Representatives from the Azerbaijan CEC reported that transparency is one of the most important electoral issues, and that in accordance with their Election Code, International and National/Domestic Observers have the same rights. In order to ensure even more transparency, Web Cameras are now installed in 1000 election premises.
9. The Chairperson from the Ukraine CEC explained that the CEC through the Foreign Ministry sends invitations to Observer Organisations well ahead of an election. Observers are invited to be present during meetings of the election commissions.

10. Armenian CEC representatives reported that the new Election Code of Armenia protects election stakeholders. Applications for accreditation of observer organisations can be declined when the aims of the observer organisation are not in accordance with the Constitution. Generally applications to observe an election are accepted, and at the last election 26 applications were submitted, and all were accepted.

11. Mr Iure Ciocan, Chairperson of the CEC in Moldova, explained that the CEC had introduced a strategic plan for the period 2012-2015, which aims for a modern efficient, accessible, electoral process, trustworthy results, with conscious and informed voters. Election observers are invited to CEC meetings and activities, and guides are produced for international observers. Post Election collaboration meetings are organised with NGO Observer organisations, as well as IOMs, to evaluate the election process. However, Moldova reserves the right to refuse entry to some individuals, who may be nominated by international organisations, if the background of those individuals gives concern to the authorities of Moldova. The training of officials for lower election commissions is beneficial, in that there is always a record of all those who have been trained for future elections. These officials, who have been trained, also receive a certificate, on completion of their training.

12. During discussions a number of topics were discussed including the placement of web cameras in Polling Stations. There was also a comprehensive exchange of experience how to respond to those observers who disrupt the election process.

13. The second day of the meeting which was moderated by Venice Commission Expert Mr Owen Masters focused on Election observation reports. Are they a basis for improving the functioning of election commissions? A second topic was the practical difficulties/questions encountered by election commissions with observers. This topic also explored in more detail the response to disruptive behaviour by a minority of observers. It was generally thought that there should be sanctions for the organisation responsible for them. The meeting heard that in Moldova, an observer organization can be sanctioned for up to five years, if their observers' behaviour is such that they disrupt the polling process.

14. During the final hour of the meeting, participants discussed possible conclusions of the Seminar.

Conclusions

15. Following two days of valuable exchanges of experience between participants, in respect of the Rights, Duties, and Limitations of Election Observers, all agreed on the following:

- 1) Transparency is one of the most important of all election issues, to which observation of elections makes a valuable contribution. This does not mean that observation in itself legitimises an election.
- 2) An early invitation to observe an election enables a timely establishment of an International Observation Mission. This would then bring the greatest benefit not only to a comprehensive observation of the election, but will assist the whole election process.
- 3) Comments from Election Observers should normally be based on their own first hand experience, apart from Court proceedings, where these can be read as facts, and commented on accordingly.
- 4) The placing of video cameras in Polling Stations/Precincts can be controversial. It can be claimed that it is an asset to aid transparency of the election process, but at

the same time, can be considered an intrusion into the privacy of a voter, who may not wish to be filmed while exercising his/her democratic right. Therefore where video cameras are installed in a Polling Station/Precinct, these should be installed in accordance with clear guidelines, ensuring that their use does not conflict with the Venice Commission Code of Good Practice in Electoral Matters (I.4), ensuring the Secrecy of the Vote.

- 5) Training of Observers will be beneficial, and can make a valuable contribution for effective election observation. However, such training should not be compulsory, or used as a reason not to accredit an observer.
- 6) Political Party Finances should be limited, transparent, and must be regulated. This could be the responsibility of the Fraud/Tax Office, or the Central Election Commission. It may be necessary to impose sanctions where limits are not in accordance with the respective regulation.
- 7) Observers who interfere or disrupt voting in a Polling Station/Precinct, may have to be removed by Police. If the observer is found guilty of the offence, then sanctions such as a ban on future accreditation could be placed on the individual observer, and/or on the organisation sponsoring the observer.
- 8) Meetings should take place following an election to evaluate the whole election process. These meetings should be inclusive and interactive, with participants representing Civil Society, Political Parties, Embassies, and IOMs. During the meeting, reports and recommendations from observer organisations can be discussed. The results of such meetings could be of assistance in providing guidance when future amendments are made to the Election Code/Law. In addition, the discussions should be of assistance when organising future elections.

5 December 2013

Owen Masters