

Introductory Remarks by
Ambassador Janez Lenarčič
Director of the OSCE Office for Democratic Institutions and
Human Rights (ODIHR), Warsaw

Working Session 17 on democratic elections

13th OSCE Human Dimension Implementation
Meeting
Warsaw, 9 October 2008



Check against delivery!

At the outset, I would like to express my gratitude to the Finnish Chairmanship for their continued support in fostering a constructive dialogue on election issues. We had productive discussions in Vienna in July during the Chairmanship Seminar on Election-Related Issues and the discussion will continue in Helsinki in October on electronic voting, on the occasion of the Finnish municipal elections.

Today, let me start with the very basics: the commitments. I believe it is important to remember two things, which I have already mentioned several times during this HDIM and which also apply to this topic.

The first thing is to go back to the commitments themselves. The 1990 Copenhagen commitments are groundbreaking in expanding, refining and developing existing international standards for democratic elections – this is the most advanced and comprehensive definition of the principles for democratic elections. Everybody would benefit from a re-read.

The second thing I would like to emphasize again is that all OSCE commitments without exception apply equally to each pS. All pS have committed themselves to take a look at how they are performing and make improvements when necessary, and all have committed themselves to inviting observers in line with the Copenhagen commitments.

And this is where we come in: the role of our Office is to offer and provide assistance in this process. Democracy is never an end

product in and of itself, but needs constant nurturing. As a testimony to this fact, our Office has been visiting a wider range of pS since 2002. Elections in a total of some 40 pS have so far been observed or assessed by our Office and this trend will certainly continue in the years to come.

In this context, I would also like to thank our parliamentary partners with whom we frequently conduct observations. A special thanks goes to our own OSCE PA, with whom we have been cooperating successfully on numerous occasions on the basis of MC Dec 19/06 – we have just concluded observing the elections in Belarus together.

**

Ladies and Gentlemen,

Allow me now to turn to the implementation of OSCE commitments for democratic elections.

Democratic progress is notable in the OSCE area. For instance, legal frameworks for elections have improved all over the OSCE region. ODIHR has worked closely together with the CoE Venice Commission in bringing about positive changes. We are supporting an open, transparent and inclusive approach, bringing all election stakeholders together to discuss electoral reforms. Inclusiveness is essential to build confidence and consensus around the “rules of the game”.

Still, a careful reading of the findings and recommendations in our final reports also demonstrates shortcomings. Let me highlight some challenges:

1) The right to stand for election is a fundamental element of any democratic electoral process. Specific legal provisions and administrative rules can easily be misused to keep specific candidates and parties off the ballot or to de-register candidates during the campaign. Rules regarding registration of political parties can be too restrictive, limiting political pluralism and leading to a lack of genuine choice.

2) Limitations to a free campaign environment: We are talking about a level playing field for everybody. This means not to use public and administrative resources, both material and human, in support of any particular parties or candidates. This also means a duty to prevent intimidation of candidates and pressure on voters, and to act impartially.

3) Contestants should have equitable access to media, and voters should receive the information they need to make an informed choice. Publicly owned media – being funded by taxpayers – has a special responsibility to be accurate, balanced and impartial.

4) A transparent, honest counting and accurate tabulation of the votes ensures that the final outcome reflects the free will of the voters. Observers should have access to these crucial phases of the process, thereby increasing transparency.

5) Deficiencies in voter registration: Inaccuracy and non-inclusiveness of voter lists are common shortcomings in many pS. A citizen can inadvertently or purposefully be omitted from the lists, and vice versa, a deceased person or a person who no longer resides in the area can still be included. This can lead to malpractices, such as multiple voting. Other challenges in voter registration relate to “vulnerable groups” such as national minorities, displaced persons, and youth.

6) The secrecy of the vote is an absolute right that cannot be restricted under any circumstances. Family voting and illegal proxy voting are the most common problems; however, increased availability of remote voting also poses special challenges.

7) Lack of separation between the State and political parties: Access to State resources, such as governmental office space, vehicles, telecommunications should not be used for campaign purposes unless provided by law to all contestants. This risk grows when state officials are running for office.

8) Election administration bodies must enjoy public confidence: No matter what model of election administration is used, it must accommodate the principles of impartiality, transparency, accountability, and effectiveness.

9) The election legislation must provide a clear and effective complaint and appeals process which can provide timely and effective remedies for electoral violations. Furthermore, persons

responsible for committing electoral fraud should be prosecuted and punished to the full extent of the law.

10) Access of domestic observers: This is an area in which progress has been made, with several pS improving their legislation to provide access. However, some of these observer groups are still facing intimidation and pressure, restrictions on their ability to observe fully, or even de-registration as a legal organization.

In addition, election processes are facing other emerging challenges, the product of an ever-changing world. These include:

- ensuring the integrity and transparency of elections when electronic voting is used;
- the increasing impact of campaign finance on electoral competition;
- the role of the media; and
- the use of the internet as a means for campaigning.

The OSCE commitments are relevant for these challenges as well, and must be the basis for consideration of these issues.

Ladies and Gentlemen,

These challenges underscore the fact that aspirations to democracy sometimes face difficulties and setbacks. My Office can help surmount these obstacles notably through impartial and non-politicised election observation. Election observation is a means to

an end: to help promote democratic developments in the OSCE area.

Other assistance tools are at our disposal and should be fully used by all pS to address shortcomings: technical assistance projects such as legal reviews, and post-election engagement over ODIHR recommendations, to cite only a few.

Follow-up of our recommendations is, however, a continuous challenge. ODIHR's "Common Responsibility" report advanced a number of proposals to make follow-up more effective, including the involvement of parliamentary actors, non-partisan domestic observers groups, OSCE field operations and other resident international organizations. All these ideas remain yet to be concretized in order to establish efficient and systematic follow-up mechanisms that would ensure that the benefits of election observation are fully maximized.

In closing, I would like to thank pS for recognizing the importance and value of election observation through their regular support and assistance in seconding thousands of individuals to the ODIHR every year to serve in the capacity of long and short-term election observers.