Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Code of Good Practice on Referendums

Reply to Recommendation[1]: Recommendation 1821 (2007)
Committee of Ministers

1. Like the Parliamentary Assembly, the Committee of Ministers welcomes the preparation by the Venice Commission of a Code of Good Practice on Referendums. With the Code of Good Practice on Electoral Matters, it offers member states very useful reference points for holding free and democratic ballots in accordance with the values of the Council of Europe. Therefore the Committee of Ministers can only encourage its wide dissemination in order to promote its application.

2. In that perspective, and in the same way as it did in 2004 with the Code of Good Practice in Electoral Matters, the Committee of Ministers has adopted the attached Declaration for the purpose of inviting public authorities in the member states to be guided by the Code of Good Practice on Referendums.

1. adopted at the 1044th meeting of the Ministers' Deputies (10 December 2008)

Appendix – Declaration by the Committee of Ministers on the Code of Good Practice on Referendums

(Adopted by the Committee of Ministers on 27 November 2008 at the 1042bis meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve a greater unity among its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Recalling that democracy is one of the foundations of the Council of Europe and that it is expressed not only through elections but also through referendums;

Recalling the Declaration on the Code of Good Practice in Electoral Matters, adopted at the 114th Session of the Committee of Ministers (13 May 2004);

Recalling that the Code of Good Practice in Electoral Matters sets out the principles of Europe's electoral heritage;

Recalling the importance of the effective implementation of the principles of Europe's electoral heritage, as they apply to referendums: universal, equal, free and secret suffrage;

Determined to ensure that all referendums within the Council of Europe member states are held in conformity with these principles, in a transparent manner;

Noting with satisfaction the adoption by the Venice Commission of the Code of Good Practice on Referendums and its subsequent approval by the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe;

Noting that free suffrage includes freedom of voters to express their wishes as well as freedom of voters to form an opinion, based on freedom of the media, neutrality of the public media and respect for the principle of unity of content;

Underlining that the principles of Europe's electoral heritage may be implemented only if certain conditions are fulfilled, in particular respect for fundamental rights, the impartial organisation of the referendum and an effective system of appeal, as defined by the Code of Good Practice on Referendums;

Stressing that texts put to the vote must comply with superior law and the Council of Europe's statutory principles – democracy, human rights and the rule of law;

Recalling that the rule of law implies that recourse to referendums complies with the entire body of law, including procedural rules,

Recognises the importance of the Code of Good Practice on Referendums, which reflects the principles of Europe's electoral heritage, as a reference document for the Council of Europe, and as a basis for possible further development of the legal framework for referendums in European countries;

Calls on governments, parliaments and other relevant authorities in the member states to take account of the Code of Good Practice on Referendums, to have regard to it, within their democratic national traditions, when drawing up and implementing legislation on referendums and to make sustained efforts to disseminate it widely in the relevant circles.