Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1705 (2010)[1]
Final version

Thresholds and other features of electoral systems which have an impact on representativity of parliaments in Council of Europe member states

Parliamentary Assembly

1. The Parliamentary Assembly refers to its previous work relating to the electoral process, and in particular to Resolutions 1546 (2007) on the code of good practice for political parties; 1591 (2007) on distance voting; 1590 (2007) on secret ballot – European code of conduct on secret balloting, including guidelines for politicians, observers and voters; 1547 (2007) on the state of human rights and democracy in Europe; 1617 (2008) on the state of democracy in Europe – Specific challenges facing European democracies: the case of diversity and migration; 1653 (2009) on electronic democracy, as well as Doc. 11628 on the state of democracy in Europe: functioning of democratic institutions in Europe and progress of the Assembly's monitoring procedure.

2. Furthermore, the Assembly welcomes the *acquis* of other Council of Europe sectors in the electoral field, in particular the work of the European Commission for Democracy through Law (Venice Commission), including its Code of Good Practice in Electoral Matters.

3. The Assembly commends the outcome of the 2009 Council of Europe Forum for the Future of Democracy, devoted to electoral systems, which was held in Kiev (Ukraine).

4. The right of all citizens to be represented in the political decision-making process and the representativity of elected bodies are core principles of contemporary democracies. An elected assembly should reflect the political composition of the electorate as well as other important aspects like geographic distribution, gender, ethnicity or other group identities, including age or specific vulnerability. The legitimacy of a democratic system largely depends upon the conviction of all sectors of society that they have adequate access to the decision-making institutions.

5. Free and fair elections constitute a necessary precondition for representative democracy, and are decisive for ensuring that the will of the people is respected in the shaping of the legislature and government at all levels.

6. The choice of electoral system is one of the most important institutional decisions for any democracy. This system has an obvious impact on representativity and a profound effect on the whole political life of the country concerned. Different voting systems may give very different results. The voting system determines to a great extent a number of administrative issues, including the forming of a government.

7. There is a variety of types of electoral systems throughout Council of Europe member states, and each of them has advantages and disadvantages. There is no unique model which could be recommended to all countries as the best one. The choice depends on a number of factors including historical background and political and party systems.

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1. *Assembly debate* on 27 January 2010 (6th Sitting) (see Doc. 12107, report of the Political Affairs Committee, rapporteur: Mr Daems). *Text adopted by the Assembly* on 27 January 2010 (6th Sitting). See also Recommendation 1898 (2010).

8. The Assembly's objective is to establish a common understanding of principles which qualify elections as "free and fair" in compliance with democratic standards irrespective of the type of electoral system, and to ensure their implementation in all elections throughout the Council of Europe area, thus establishing the world's largest "free and fair election zone".

9. A precondition for any free and fair election is a healthy democratic environment, including respect for basic freedoms such as the freedom of association, freedom of expression, free press, etc. Criteria for assessing whether the elections are free and fair have been set out by the Assembly in its numerous reports on the observation of elections in Council of Europe member and non-member states.

10. In all democracies it should be possible to express a maximum number of opinions. Excluding sections of the population from the right to be represented is detrimental to a democratic system.

11. Gender equality in decision-making processes is an important aspect of fair representation. The Assembly stresses the importance of guaranteeing women equal access to elected bodies. This may require the introduction of some transitory measures, including quotas.

12. All other forms of discrimination in the electoral process – be it towards persons belonging to minority groups or other vulnerable categories – is similarly detrimental to democracy.

13. Internal party democracy and procedures which lead to the pre-selection of candidates for the elections have a fundamental impact on the representativity of elected bodies and, consequently, on the legitimacy of the entire political system. These internal procedures vary considerably between parties, even within one country.

14. The voter's choice of a person to represent him or her from the list of candidates proposed by a party must have a real impact on the final outcome. This is a matter of concern particularly when it comes to the succession of a vacant seat. According to some parties' procedures, a successor is not necessarily the first runner-up who has received the most votes. Internal party procedures for succession should take into account individual voters' choice.

15. The Assembly recalls its Resolution 1546 (2007) on the code of good practice in the field of political parties, and calls on political parties in Council of Europe member states to endorse its principles, in particular concerning intra-party transparency for the nomination of candidates, clear and fair rules for campaign financing, and for the replacement of vacant seats.

16. Rules governing electoral campaigns, in particular funding, financial disclosure by parties and candidates, free media, access to media and information, and a complaints and appeals system which provides a speedy procedure to resolve disputes, should comply with democratic standards.

17. Voting procedures should be reviewed and improved in many Council of Europe member states. The use of information and communication technology (ICT) tools and the introduction of different forms of e-voting, including remote e-voting, should be considered.

18. Transparent and coherent rules governing the work of electoral commissions, appointment procedures for their members, the requirement of balanced and impartial composition and the training of officials, should guarantee a high degree of impartiality, independence and professional competence.

19. Observation of elections is one of the most important ways of building confidence in an electoral system. Rules governing the observation process and the status of domestic and international observers, as well as an effective appeals procedure, should be based on the United Nations Declaration of Principles for International Election Observation and on the Code of Conduct for International Election Observers.

20. Increased trust and confidence in an electoral system may largely contribute to an enhanced interest of citizens in the political process as a whole and, as a consequence, to overcoming the feeling of political discontent and disaffection among them.

21. The Assembly is of the opinion that the Council of Europe can considerably contribute to this objective and to the further promotion and implementation of these principles in its member states. Further regulatory action, sharing of good practices, improved monitoring and follow-up is needed.

22. Therefore the Assembly calls on the Council of Europe member states to:

22.1. contribute to the establishment of a common understanding of principles which qualify elections as "free and fair" in compliance with democratic standards, irrespective of the type of electoral system, and to ensure their implementation;

22.2. ensure a healthy democratic environment including full respect for basic freedoms such as freedom of association, of expression and of the press, in compliance with the criteria for the assessment as to whether the elections are free and fair;

22.3. consider decreasing legal thresholds that are higher than 3%, and removing other obstacles, including high financial deposits, which bar minor parties or independent candidates from being represented in elected bodies;

22.4. strengthen national mechanisms to promote balanced access to elected bodies for women and men, and to consider the introduction of transitory measures such as quotas;

22.5. eliminate obsolete provisions disenfranchising certain categories of population (such as certain categories of detainees);

22.6. consider, if it has not yet been done, granting the right to vote in regional and local elections to immigrants who are lawfully resident in the country in question;

22.7. ensure that the legislative framework promotes the implementation by political parties of internal party democracy principles;

22.8. ensure that the rules governing electoral campaigns – and in particular funding, financial disclosure by parties and candidates – access to media and information, and a complaints and appeals system which provides a speedy procedure to resolve disputes, all comply with democratic standards;

22.9. keep under review different forms of voting procedures with a view to improving them, and to consider the use of ICT tools and the introduction of different forms of e-voting, including remote e-voting, if this has not yet been done;

22.10. examine whether national procedures for replacing legislative positions remain democratically appropriate;

22.11. ensure that the rules governing the work of electoral commissions, the method of their appointment, and their balanced and impartial composition comply with democratic standards;

22.12. implement the provisions of the United Nations Declaration of Principles for International Election Observation.

23. It also calls on political parties in Council of Europe member states to:

23.1. comply with the principles of the Code of Good Practice in the Field of Political Parties, in particular those referring to intra-party democracy, transparency and accountability;

23.2. adopt fair and transparent rules for the selection and nomination of candidates for elected bodies, and in particular encourage the nomination of members from under-represented groups such as young people, persons belonging to minorities, immigrants or the disabled;

23.3. establish a long-term strategy, including special projects and training, aimed at increasing assertiveness, knowledge and experience of under-represented groups;

23.4. examine the experience of political parties that have introduced quotas for the selection and nomination of candidates for elections and consider such a possibility in their own practice;

23.5. establish fair and transparent rules for campaign financing in compliance with relevant domestic law; develop internal rules which would complete and strengthen national legislation in particular regarding transparency and accountability;

23.6. establish clear and fair rules for replacing vacant seats in elected bodies;

23.7. observe the principles of fair play and set general standards of conduct during electoral campaigns.

24. It invites members of parliamentary delegations to the Assembly to:

24.1. introduce the question of standards in different stages of the electoral process into the work of their national parliaments;

24.2. initiate a reflection on internal party procedures in the electoral field in their respective political parties;

24.3. promote the Assembly’s work and documents in the area of electoral matters, and in particular the outcome of the Forum for the Future of Democracy.

25. The Assembly supports the Venice Commission in continuing its valuable work in the field of the electoral process.

26. The Assembly calls on the stakeholders of the Forum for the Future of Democracy to take into account and translate into specific action the general conclusions of the forum.

27. The Assembly resolves to follow the question of electoral systems in its different aspects, and to promote appropriate solutions at the parliamentary level in Council of Europe member states.