

RECOMMENDATION 144/2015¹

Basic Principles of Election Legislation in the BSEC Member States: Similarities and Differences

1. The Parliamentary Assembly of Black Sea Economic Cooperation (PABSEC) recognises that free and fair elections are undoubtedly one of the essential pillars of a democratic society. Elections directly reflect the political system and affect it. Through elections will of the population is revealed, which is the basis for the formation of the democratic government. Elections are the most important component of contemporary politics as a means for formation of the governing bodies in accordance with the election system.
2. The PABSEC recalls the Universal Declaration of Human Rights, which states that “the will of people shall be the basis of the authority of government” and this will is “expressed in periodic and genuine elections”; and the International Covenant on Civil and Political Rights, which provides that “every citizen shall have the right and opportunity to vote and to be elected at genuine periodic elections”.
3. The PABSEC also recalls the commitment of the BSEC Member States to the fundamental principles of the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE), which states that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government” and that the signatory states should “respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes”.
4. The PABSEC recognises that suffrage constitutes a combination of norms, principles, provisions, according to which the elections are held, the actions are carried out and the decisions are taken by the citizens, political parties, electoral commissions, and other authority bodies at various stages of the election campaign in the process of preparing for and conducting the elections. In general, the suffrage in the BSEC region corresponds to the international legal norms and meets the provisions of the relevant international instruments.

¹ Assembly debate on 9 June 2015 (see Doc.: GA45/LC45/REP/15, Report of the Legal and Political Affairs Committee “Basic Principles of Election Legislation in the BSEC Member States: Similarities and Differences” discussed in Baky 5 May 2015; Rapporteur: Mr. Ihsan Sener – Turkey)

Text adopted by the Assembly in Chisinau on 10 June 2015.

5. The PABSEC stresses that the establishment and strengthening of democratic processes and institutions is a shared responsibility of governments, voters, and political forces and that regular free and fair elections are a necessary and indispensable element in maintaining the efforts to protect citizens' rights and interests and for the effective implementation of human rights and fundamental freedoms.
6. The PABSEC views election as a regular periodic process of forming the bodies of national authority enshrined in a state's constitution and other laws. In the context of modern democracies the elections are primary expression of people's sovereignty with representatives being elected to exercise political power. Elections also serve as an important channel for different social groups to submit their interests and concerns to political authorities. General elections imply every citizen's right to full and fair participation. Elections are common for different institutions and levels of authority: parliament, the president, representatives, and functionaries of executive bodies and local authorities.
7. The PABSEC emphasizes that international election observation and assessment provides direct access to the study of the electoral legislation and electoral practices in neighbouring countries and also contributes to increasing political and legal culture. Moreover, it enables participating countries to develop a common political position on the protection of human rights and freedoms and on defending national and democratic sovereignty. Election observation provides the opportunity for an open exchange of materials and shared approaches to election monitoring and assessment.
8. The PABSEC notes that parliamentarians play a crucial role in election monitoring as they are the functionaries with practical experience in this area, entrusted an office by voters, and the authors of the election legislation. As such, parliamentarians can successfully participate as international observers. The Assembly's intensified activities in the field of election observation in the BSEC Member States have become one of the important aspects of its work.
9. The PABSEC reaffirms its commitment to maintaining and developing the principles of justice that form the basis for the rule of law applicable in each state. The Assembly reiterates that democracy is an inherent element of the rule of law and that pluralism is important feature of political organizations. In this regard, the PABSEC welcomes the efforts of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament, the NATO Parliamentary Assembly in promoting democratic principles and the norms of free elections.
10. The PABSEC is aware that every state has the right to sovereignty in accordance with the will of its people, the right to free choice, and the right to develop political, social, economic, and cultural systems without interference from other states in strict conformity with the Charter of the United Nations.
11. **Therefore, the PABSEC recommends** that the parliaments and the governments of the BSEC Member States:

- i. *create* the necessary legal framework to conduct elections in accordance with generally accepted international commitments and standards for democratic elections;
- ii. *ensure* the free expression of the people in democratic elections organized at regular intervals on the basis of universal, equal and secret ballot;
- iii. *develop and adopt* legislative and other measures in accordance with the constitutional process in order to guarantee the rights and institutional framework for regular free and fair elections in compliance with international legal obligations;
- iv. *provide* a reliable system to finance political parties and campaigns, taking into account that the transparency and efficiency of a flexible electoral system can help voters make more informed choices before they cast their votes;
- v. *furnish* the conditions that exclude bribery or other illegal actions that corrupt elections, preserve the security and integrity of the voting process, and ensure that the vote count is conducted by skilled personnel and is subjected to an impartial inspection;
- vi. *implement* all necessary mechanisms to ensure compliance with the fundamental principle of the secret ballot and to ensure that voters are able to vote freely, without fear and intimidation;
- vii. *adopt* practical measures to create equal conditions for all candidates to convey their messages to the electorate without undue interference;
- viii. *execute* the necessary political and institutional procedures to progressively achieve and consolidate democratic goals, including the establishment of a neutral, impartial and balanced mechanism for organizing and conducting elections;
- ix. *take* all necessary and appropriate actions to ensure clarity and comprehensibility of the electoral process through the presence of representatives of parties or duly accredited observers;
- x. *provide* measures for ensuring that violations of human rights and complaints relating to the electoral process are quickly and efficiently addressed, within the timeframe of the electoral period, by independent and impartial bodies, such as the electoral commissions or the courts.
- xi. *promote* international dialogue with all countries on issues related to the improvement of electoral procedures;
- xii. *consider* the possibility of organizing a conference/seminar on international election observation focusing on the proper implementation of citizens' electoral rights and the fundamentals of democracy, with the participation of parliamentarians, representatives of the Central Election Commissions and the major international organizations involved in election observation in the BSEC Member States.

12. **The Assembly invites** the BSEC Council of the Ministers of Foreign Affairs to consider this Recommendation.