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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
**THE MINISTRY OF JUSTICE, THE PARLIAMENT
AND THE NATIONAL AUDIT OFFICE OF FINLAND**

**11th EUROPEAN CONFERENCE
OF ELECTORAL MANAGEMENT BODIES**

**“COMBATING THE MISUSE OF
ADMINISTRATIVE RESOURCES
DURING ELECTORAL PROCESSES”**

Thursday and Friday, 26-27 June 2014

**Pikkuparlamentti / the Little Parliament
Arkadiankatu 3 – Helsinki, Finland**

SYNOPSIS

Renforcer la réforme démocratique dans les pays du voisinage méridional



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG

Financé
par l'Union européenne



Mis en œuvre
par le Conseil de l'Europe

The Venice Commission of the Council of Europe organised in co-operation with the Ministry of Justice, the Parliament and the National Audit Office of Finland the eleventh European Conference of Electoral Management Bodies in Helsinki, Finland, on 26-27 June 2014.

The topic of the Conference was “**Combating the misuse of administrative resources during electoral processes**”. The participants debated more specifically on three main issues:

- “Defining administrative resources: Legal environment, self-regulation and financing political parties and campaigns”;
- “Practice – Recurring cases of misuses of administrative resources during electoral processes – Assessing the damages”; and
- “Preventing and combating the misuse of administrative resources, a key issue to reinforce confidence in democratic electoral processes”.

Ms **Anna-Maja Henriksson**, Minister of Justice of Finland, opened the Conference, followed by Ms **Tuija Brax**, Member of the Parliament of Finland, Chairperson of the Parliament Audit Committee and Mr Oliver Kask, Judge, member of the Venice Commission and Vice-President of the Council for Democratic Elections.

90 participants attended the Conference. The participants came from the national electoral management bodies of the following 24 countries: Armenia, Austria, Azerbaijan, Bulgaria, Canada, Estonia, Finland, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Mexico, Republic of Moldova, Netherlands, Norway, Portugal, Romania, Russian Federation, Slovakia, Sweden, Tajikistan, Tunisia, Ukraine and United Kingdom. Representatives of the Group of States against Corruption (GRECO), the Venice Commission, the Congress of Local and Regional Authorities and other Council of Europe Directorates also attended the Conference.

The Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Organization of American States (OAS), the International Institute for Democracy and Electoral Assistance (International IDEA), the Association of European Election Officials (ACEEEO), the Association of World Electoral Bodies (A-WEB) and several other institutions active in the electoral field were also represented at the Conference.

The **conclusions** of the Conference are appended to this synopsis.

The **twelfth European Conference of Electoral Management Bodies** will take place in **Brussels, Belgium**, on **30-31 March 2015**.

The participants in the Conference

1. *Considering* the common phenomenon of misuse of administrative resources during electoral processes;
2. *Referring* to the Venice Commission's Report on the misuse of administrative resources during electoral processes (CDL-AD(2013)033) and in particular to the definition of administrative resources, i.e.: "administrative resources are human, financial, material, *in natura* and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support";
3. *Having agreed* on a common understanding of the misuse of administrative resources during electoral processes, which includes both the abuse of material resources by candidates and political parties as well as biased actions or omissions by civil servants and other public officials in public institutions;
4. *Having taken into account* the existing legal environment and self-regulation in states concerning the prevention of the misuse of administrative resources during electoral processes;
5. *Having observed* in practice a blurred distinction between State and incumbents as well as recurring cases of misuse of administrative resources during electoral processes;
6. *Observing* the need to reinforce the independent supervision of the use of administrative resources;
7. *Referring* to the fundamental principles essential for the conduct of genuine elections and the importance of building public confidence in electoral processes;
8. *Underlining* the importance of existing international instruments against corruption in public administration and in political life, *inter alia* the following Council of Europe instruments:
 - Criminal Law Convention on Corruption (1999, CETS No. 173) and its additional Protocol (2003, CETS No. 191);
 - Civil Law Convention on Corruption (1999, CETS No. 174);
 - Recommendation (2000) 10 of the Committee of Ministers to member states "on codes of conduct for public officials";
 - Recommendation (2003) 4 of the Committee of Ministers to member states "on common rules against corruption in the funding of political parties and electoral campaigns";
 - Recommendation 1516 (2001) of the Parliamentary Assembly on "Financing of political parties";
 - Resolution 1897 (2012) of the Parliamentary Assembly on "Ensuring greater democracy in elections";
 - Resolution 316 (2010) of the Congress of Local and Regional Authorities on "Rights and duties of local and regional elected representatives and the risks of corruption";

9. *Invited* the Council of Europe's Council for Democratic Elections, in co-operation with other relevant institutions, to consider developing guidelines aimed at preventing the misuse of administrative resources during electoral processes;

10. *Stressed* that a full and effective implementation of the law is essential for preventing the misuse of administrative resources during electoral processes;

11. *Recommended* that legislation should provide measures for counteracting the misuse of administrative resources during electoral processes in a clear, foreseeable and proportionate manner, *inter alia* through:

- a. explicit requirements for all public bodies including the civil service to act impartially and independently;
- b. mechanisms for preventing the State and local authorities from holding official public events for campaign purposes;
- c. meaningful and dissuasive but proportionate sanctions in full respect of the principle of freedom of association and in line with international standards;
- d. an effective complaints and appeals system, including the possibility of bringing cases before an independent and impartial tribunal; and
- e. rules for the protection of individuals who report cases of misuse of administrative resources to the competent authorities;

12. *Recommended* the development of internal guidelines for public administration aimed at promoting ethical and non-partisan conduct;

13. *Recommended* promoting charters of ethics or agreements between political parties and making them available to the public;

14. *Recommended* public administrations to counteract activities that intentionally or unintentionally favour or disfavour any political stakeholder;

15. *Underlined* the importance of monitoring and auditing bodies supervising the use of administrative resources during electoral processes, mainly by:

- a. ensuring that electoral contestants keep comprehensive accounts of all income and expenditure, subject to control;
- b. designing appropriate donors' disclosure requirements;
- c. applying, when necessary, appropriate sanctions;

16. *Encouraged* co-operation with international institutions working in this field, in particular GRECO.