

**Presentation at the Joint Conference of the Global  
Electoral Organization and the Association of the  
Central and Eastern European Election Officials  
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**Electoral Processes in the Commonwealth of Independent States**

Dear Conference Participants, Ladies and Gentlemen, Colleagues:

Allow me to welcome you on behalf of the Central Election Commission of the Russian Federation .

The organizers of our conference asked me to speak about the developments in the electoral sphere of the Commonwealth of Independent States.

I believe that even considering the critical remarks based on the results of international monitoring of the elections in some CIS countries and the rapid development of the electoral processes in these countries **the prospects for the perfection of the electoral sphere of the Commonwealth must be assessed as inspiring reasonable optimism, particularly if we continue the cooperation on the questions connected with our professional activity.**

In the recent years the world has gone through radical changes. During the 1990s, we and our partners in the CIS were learning to live in the conditions of developing democracy, to effectively use such important instruments of democracy as political pluralism, freedom of speech and information, the rights of citizens to elect and be elected to the bodies of power in democratic elections. When we set out on this difficult journey we were not aware of the complex problems that we were confronted with by the historical necessity. All election laws were updated to suit the purposes of democratic development and, at the same time, highly difficult election campaigns were conducted at the national and local levels in the absence of any firm democratic traditions, and step-by-step a system of independent election commissions was set up.

An important result of these transformations in Russia is the **creation of an adequate legal basis and organization of the professional work of the election commissions for the application of election laws.** However, we realize that life does not stand still, new sociopolitical

realities are emerging and the experience gained in the conduct of the past election campaigns clearly points to the necessity of further upgrading of election laws and practices..

It is precisely for this reason that now, more than two years in advance of the next parliamentary and presidential elections, amendments have been introduced in as many as 13 Russian Federation laws, regulating legal relations in the electoral process, and a new law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" has been adopted, under which all of the four hundred and fifty deputies are to be elected according to the proportional system. The main purpose of these changes is to **strengthen the role and responsibility of parties in the electoral process and create conditions for political competitiveness.**

Incidentally, our CIS partners are moving along the same path: Ukraine has changed over to the fully proportional system of elections to the Supreme Rada and the first elections according to the rules of this system are to be held in March 2006. In Georgia active work is underway on the question of strengthening the role of parties in the sociopolitical life of the country.

Highly important for furthering the democratic principles of the election systems of the CIS countries is the marked growth of the role played by the Constitutional and Supreme Courts in the protection of the electoral rights of citizens. Thus, in Armenia it is the Constitutional Court, and in Kirghizia the Supreme Court, that proclaim the results of the presidential and parliamentary elections. And in Russia the Constitutional Court has adopted fifteen decisions on the norms regulating the elections.

A Public Chamber is now in the process of formation in Russia, which will include authoritative people who enjoy the respect of the public. The public control to be exercised by this body will extend to the examination of draft laws, including election laws.

It goes without saying that the national, sociopolitical, historical and cultural specificity must be considered above anything else both by lawmakers and law enforcers. At the same time, we have always believed and are convinced now that improvement of the national election laws, better practical organization and administration of elections, protection of electoral rights and freedoms of citizens, including at courts, are impossible without consideration of international election standards and recommendations of authoritative international organizations.

We believe that the same approach is taken by the majority of our partners in the Commonwealth of Independent States.

In the course of the political development of the CIS states in the last decade their election systems have acquired different configurations. However, the most important fact showing the common character of these systems both in the legislative and the law enforcement sphere is that practically in all CIS countries the elections feature highly **diverse instruments and measures demonstrating the openness of the electoral process** not only for the national public but also for the international community.

Consistently working on the practical application of the existing international commitments with regard to democratic elections, in December 2004 the Central Election Commission of the Russian Federation published the Collection of Documents "International Election Standards."

Apart from the well known 1990 Copenhagen document of the Conference for Security and Cooperation in Europe (CSCE) which sets forth the general political commitments of the states in the sphere of human rights, this publication contains about one hundred and fifty international documents on elections, including international conventions of the United Nations, recommendations and commitments within the framework of the Council of Europe and the European Court of Human Rights, documents of the Commonwealth of Independent States, which are presented in accordance with a definite logical system of political and legal norms aimed at the assurance and protection of the electoral rights and freedoms of a human being and citizen.

The key document of the publication is the **Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States**. This Convention does not only sum up and formulate in clear terms the most progressive ideas contained in the documents of various international organizations – it lays the basis for modern election standards, instruments and procedures of modern democratic electoral processes in the CIS.

The idea of the Convention was suggested at the turn of the century by the central election commissions of ten CIS states and it is these commissions that actively worked on the realization of this idea.

The Convention was drafted by a group of authors – experts of the CEC of Russia and its draft was actively discussed and perfected by members of parliaments and politicians, state and public organizations, scholars in the CIS countries, parliamentary and executive bodies of the Commonwealth. The draft Convention was positively assessed by the Office for Democratic Institutions and Human Rights of the OSCE.

In October 2002, the Convention was signed by the Presidents of seven states: Armenia, Georgia, Kirghizia, Moldavia, Russia, Tajikistan, Ukraine. In November 2003, the Convention was ratified by Kirghizia, Russia and Tajikistan and entered into force. Now the Convention has been ratified by five states: Armenia, Kirghizia, Moldavia, Russia, Tajikistan.

The innovation of this document for the international practice of cooperation of states in the sphere of human rights lies in the fact that **the standards of democratic elections established within the framework of the Commonwealth are laid down in the format of a mandatory international-law document.** I will enumerate these international standards: the right of a citizen to elect and be elected to bodies of state power, bodies of local self-government, other bodies of the popular (national) representation; the principles of periodic and mandatory, fair, genuine and free elections based on universal equal suffrage with secret voting, which ensure free will expression by voters; open and public elections; judicial and other kinds of protection of electoral rights and freedoms if a human being and citizen; public and international monitoring of elections; guarantees for the exercise of the electoral rights and freedoms of participants in the electoral process.

The Convention serves as a common basis of the Commonwealth for the improvement of the national election laws and practical conduct of elections, for the development of inter-state cooperation aimed at the upgrading of the election systems and introduction of up-to-date election technologies. It is highly important that the requirements of the Convention also form the groundwork for the exercise of the public, specifically international, control over the conformity of elections to the international election standards.

Relying on the Convention we have jointly prepared several additional documents of the Commonwealth of Independent States, which must become a practical instrument of assuring the standards of democratic elections, electoral rights and freedoms of citizens.

Here I would like to mention one of such documents – **Recommendations to International Observers of the Commonwealth of Independent States for Monitoring Elections and Referendums.** This is an auxiliary document intended for organization and performance of international monitoring of elections by the international observers of the CIS, which, we think, is a valuable guide for the work of the observers and, simultaneously, for their professional training as observers.

The experience of election monitoring in the CIS countries has revealed a number of alarming drawbacks which require a serious analysis.

Here are some examples of the recent election campaigns in the course of which there was a change of state power in Georgia, Ukraine and Kirghizia.

The ostensibly similar events in these countries, which sometimes transgressed the bounds of law, were figuratively dubbed "color revolutions" by commentators. True, high energy of the event participants, tense confrontation between the "people" and "power," impressively shown on TV, have somewhat obscured the objective analysis and partially justified this name.

However, the transformations that have taken place in these countries are not revolutions in the precise meaning of this word because they neither aimed at nor resulted in the change of the socioeconomic system. In fact, it was merely a change of the ruling elites (or parts thereof) whose place was taken by the competing groups with their economic and political interests.

The main general reasons for such forms of the change of power are the following:

unsatisfactory socioeconomic situation in these countries with sharp property stratification of society and low living standards of the majority of the population (particularly in Georgia and Kirghizia);

low trust of the population in the incumbent presidents who had a small social support base. One of the reasons for this was widespread corruption of the bodies of power;

support rendered to the opposition by a large part of the population, which allowed thousands of people to be quickly mobilized for mass events and for campaigns of "universal civil disobedience";

inefficiency of the guarantees established by law for the democratic formation of the bodies of power through free elections, which resulted in the growing public mistrust of the institution of elections. This was due, among other things, to gross inaccuracies in the voters lists, manipulation with absentee certificates and voting outside polling stations, long delays in the publication of the election results, violation of the rights of observers by election commissions;

lack of provisions to ensure independence of the work of central election commissions from the authorities, which resulted in inadequate actions of these commissions, evoking indignation and protest of the public;

active involvement of foreign organizations in ensuring financial and external political conditions for the opposition to come to power.

What are the lessons which we, members of the Association of the Central and Eastern European Election Officials, must draw from these events?

What we need is not only the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States, but also a similar international-law document within the framework of the Council of Europe. Such a document has already been drafted by our Association and supported by the Venice Commission, which states in its conclusion that adoption of the Convention on the Election Standards may become an important step in harmonizing the election laws in the whole of Europe in accordance with the principles of the European electoral heritage.

We need the conventions as effective international-law acts stimulating our law makers to adopt adequate national election laws and law enforcers to ensure unconditional compliance with these laws. At the same time, everything possible must be done to strengthen the public trust in the institution of elections, create conditions for effective public control over the electoral process.

In order to achieve these ends we, in the Russian Federation, intend to develop the mechanisms of control by observers over the determination of voting returns in each election precinct, including through issuance by election commissions of certified protocols of voting returns, and quickly (within not more than one day after the end of voting) publish the voting returns in the Internet for each of 95 thousand election precincts which are formed in federal elections.

This year we plan to complete the creation of an electronic voters register for each subject of the Russian Federation.

To avoid possible errors, infractions when votes are counted at polling stations we began to use special ballot processing complexes based on the principle of scanning. Soon we will commence testing electronic voting machines which are now being developed under an order of the Central Election Commission of the Russia on the basis of the recommendations of the Council of Europe.

In dealing with these and many other tasks we believe it necessary to develop cooperation on the questions of our professional activity within the framework of our Association and also on a bilateral basis with the colleagues from the election bodies of various countries.

Thank you.