



Ljubljana Declaration on Judicial Protection of Electoral Rights and Transparency of Elections

The participants of the 28th Annual Conference of the Association of European Election Officials (also known as ACEEEO) underline the importance of both effective judicial protection of electoral rights and the transparency of elections. While the participants acknowledge that there is no single model of democracy, they also recognize that there are core normative elements related to elections that should be common in every democratic country. The participants also recognize that the sufficient protection of electoral rights and the transparency of elections form an important part of this normative core, as both ensure the legitimacy of elections and the true observance of electoral rules by the relevant stakeholders. Regarding these two themes, therefore, the relevance of international standards and of the constant exchange of knowledge and best practices is even more prevalent.

Moreover, there is an overlap between the protection of rights and transparency. On the one hand, fundamental rights are tools, with which transparency may be ensured more effectively, with the participation of citizens, who enforce their rights. On the other hand, fundamental rights such as the right of access to information are not just means, but an end in themselves, and thus need to be protected

Based on these deliberations the recommendations of 28th Annual Conference of ACEEEO are the following:

Judicial protection of electoral rights

- Elections are processes, and they should be perceived as such. The protection of electoral rights should cover the whole process; effective remedies should be provided from the beginning till the end. The starting point and the end of the process should be determined in a way that enables the effective protection of every fundamental rights related to elections.
- There is a tension between fair procedure, on the one hand, and a fast procedure, on the other hand. There should be a balance struck between these two equally important democratic values; none of them can be dropped completely or be rendered meaningless.
- Election dispute resolution (EDR) should be accessible by both voters and other stakeholders. Formal requirements should be interpreted in a way that does not prevent any of these stakeholders from enforcing their rights.
- EDR should be transparent; decisions should be made in a transparent manner, with ample reasoning and clearly indicating its legal basis. The legislative body should provide a clear legal framework that can be interpreted effectively, and that does not exclude any possible disputes from litigation.

Transparency of elections

- Transparency should be ensured throughout the whole electoral process, covering the activities of all relevant stakeholders.
- Party finance regulation and its interpretation should ensure that the funding of parties and their spending is transparent to the voters. State actors should not intervene in the electoral process by helping some of the political actors by misusing public resources; the regulation should capture these cases as unlawful funding of parties.
- It should be ensured that the whole process is observed by civil society, international and domestic actors. Domestic regulation and actors should help international organization in conducting electoral observation.
- Social network platforms should make decisions about their policies and specific cases in a transparent manner.

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