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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**CONVENTION ON THE STANDARDS  
OF DEMOCRATIC ELECTIONS, ELECTORAL RIGHTS  
AND FREEDOMS IN THE MEMBER STATES  
OF THE COMMONWEALTH OF INDEPENDENT STATES**

Updated unofficial translation

**CONVENTION**  
**on Standards of Democratic Election, Voting Rights and Freedoms in the Member States**  
**of the Commonwealth of Independent States**

States party to this Convention (hereinafter referred to as Parties),

proceeding from the goals and principles of the Charter of the Commonwealth of Independent States,

confirming an importance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which have established that empowerment to rule should rely on the nation's will expressed in authentic and periodical elections, as well as of documents of the Organisation for Security and Co-operation in Europe, of the Council of Europe and other international organisations on conducting free and fair elections,

being convinced that acknowledgement, observance and protection of the person and citizen's rights and freedoms, development and improvement of democratic institutes of people's will, procedures of their implementation in accordance with the generally accepted principles and standards of the international law, on the grounds of a national constitution and legal acts is the purpose and obligation of the law-adhering state, one of indispensable conditions of a social stability and of a further strengthening of co-operation between the states in the name of implementation and protection of ideas and principles being their common democratic wealth,

striving to promote the establishment and development of democratic systems of the representative rule, of democratic traditions for expression of the nation's will in the course of elections, exercising another forms of sovereignty of the people based on rule of law, taking into consideration national and historic traditions,

being convinced that elections are one of the political and legal instruments of a stable civic society and a sustainable development of the state,

recognising the value of the national experience of a legal regulation of elections, accumulated by the Member States of the Commonwealth of Independent States, of guarantees of voting rights and freedoms of a person and a citizen;

fully resolved to ensure combination of generally accepted standards of elections and national norms for election regulation, voting rights and freedoms of the person and citizen, and guarantees of their execution and protection, to implement the provisions contained in this Convention, on the basis of the constitution and national legislation and adequate governmental policy;

striving to assure guarantees for organisation of public and international election observation in the States party to the Convention,

have agreed upon the following:

## **Article 1**

### **Standards of Democratic Elections**

1. The democratic elections are one of the highest direct expressions of the people's power and will and are the basis of elective bodies of governmental power and local self-government, of other bodies of people's (national) representation, elective officials.
2. The Parties hereto acknowledge that standards of democratic elections are as follows: the citizen's right to elect and to be elected to the bodies of state power, self-governmental bodies, to other bodies of peoples (national) representation; principles of periodicity and an obligatory nature, fairness, authenticity and freedom of elections on the basis of universal, equal suffrage with a secret balloting, providing for freedom of expression of voters' will; an open and transparent nature of elections; exercise of judicial and other protection for voting rights and freedoms of the person and citizen, public and international observation of elections, guarantees for realisation of voting rights and freedoms of the election process participants.
3. The citizen's right to elect and to be elected is fixed in the Constitution and/or in the laws and its execution is determined by laws and other normative legal acts. Legislative regulation of the right to elect and to be elected, of the election procedures (election systems) as well as limitations of the citizens' voting rights and freedoms should not constrain or revoke the generally accepted rights and freedoms of the person and citizen, and/or legislative guarantees of their implementation, as well as have a discriminative nature.
4. Calling of, preparation and conduct of elections are carried out on the basis of Constitution and laws.
5. Elected people who won a necessary number of votes, determined by the Constitution, law, assume their office in line with the procedures and the terms stipulated by the laws, and thus they take their responsibility before voters and remain in their office till expiration of the term of their powers or till their termination in another way that is regulated by the Constitution, laws in accordance with democratic parliamentary and constitutional procedures.
6. The legitimate and public nature of elections, protection and implementation of voting rights and freedoms of citizens, of candidates, political parties (coalitions), taking part in elections, realisation of the constitutional principles in organisation of elections are ensured by legal, administrative and other means of protection.
7. Any direct or indirect participation of foreign citizens, persons without citizenship, foreign legal entities, international public movements, international organizations in activities facilitating or hindering preparation and conduct of elections to the bodies of state power and local self-governments, to other bodies of peoples' (national) representation, elective officials is not allowed.

## **Article 2**

### **Universal Suffrage**

The observance of the principle of universal suffrage means:

- a) every citizen, upon coming up to the age fixed by the Constitution, laws, has the right to elect and to be elected to the bodies of state power, to local self-governments, other bodies of people's (national) representation, to elective posts on the conditions and in line with procedures stipulated by the Constitution and laws;

- b) the citizen's right to elect and to be elected to the bodies of state power, to local self-governments, to other people's (national) representation and other elected posts does not depend on and is exercised without any limitations of a discriminatory nature in terms of sex, language, religion or denomination, political or other convictions, national or social origin, membership of a national minority or ethnic group, property status or other circumstances;
- c) every citizen living or staying in the period of conducting of the national elections beyond the boundaries of their state has the voting rights equal to those pertaining to other citizens of their state. Diplomatic representations and consulate facilities of the state, and their officials support citizens in execution of their voting rights and freedoms;
- d) every citizen is guaranteed the right to receive information on their inclusion into the voters' list, to correct that information in order to assure its completeness and reliability, to appeal by the procedure stipulated by laws against refusal to be included in the voters' list.

### **Article 3 Equal Suffrage**

1. The observance of the principle of equal suffrage means:
  - a) every citizen has one vote or equal number of votes with other citizens, and they have the right to exercise on the equal basis with other citizens their voting right, and their vote(s) has (have) the same weight as votes of other voters, and the weight of vote (votes) of the voter should not be affected by the election system applied in the state;
  - b) while conducting the voting in one-mandate and/or multi-mandate electoral districts, those districts are formed on an equal basis so that the results of elections could express the will of voters as exactly and fully as possible. The criteria for the equal basis may be an approximate equality of one-mandate electoral districts based on the number of voters or an approximate equality of the number of voters per one deputy mandate in many-mandate electoral districts. The justification for a deviation from the mean standard of representation may be an inaccessibility and remoteness of the locality, compactness of living of nations or other national minorities and ethnic groups.
2. Every voter shall have the right to an equal and unimpeded access to the polling place for the purpose of executing their right to take part in a free voting.
3. The citizen can be provided with the possibility to exercise their right to vote through organisation of an early voting, voting outside the voting premises or other voting procedures assuring provision of the maximum convenience for voters.
4. Every citizen should have equal legal possibilities to propose him/herself as a candidate in elections.
5. Restrictions connected with peculiarities of the participation in electioneering of the candidates running for the election post for a new term are regulated by the constitution, laws. Observance of the fixed restrictions should not prevent the deputies, elective officials from exercising their powers and meeting their responsibilities before the voters.
6. The candidates do not have the right to take advantages of their official position or advantages of office with the aim of being elected. The list of breaches of the principle of equal suffrage, and measures of responsibility for such breaches are determined by laws.

#### **Article 4 Direct Suffrage**

1. The observance of the principle of direct suffrage means that citizens vote in the elections directly for a candidate and/or a list of candidates, or against a candidate, candidates and/or a list of candidates, or against all candidates and/or lists of candidates, respectively.
2. All the mandates in one of the chambers of the national legislative body are an object of a free competition of candidates and/or of lists of candidates in the course of nation-wide elections.
3. If the legislative body is a two-chamber one, and part or all deputy mandates of its second chamber are not the object of free competition between candidates and/or lists of candidates in the course of nation-wide elections, a given provision does not contradict this Convention.

#### **Article 5 Secret Balloting**

1. The Parties hereto proceed from the assumption that observance of the principle of secret balloting means exclusion of any control over voters' expression of will, provision for equal conditions for free choice.
2. The citizens' right to a secret balloting cannot be limited in any way and by whatsoever.
3. Conducting of elections shall be executed with the use of secret balloting procedure.
4. Electoral bodies are obliged to assure observance of the conditions stipulated by the Constitution, law, other legal acts that exclude the possibility to exert any control or monitoring over filling in the voting paper by the voter in the place of a secret balloting, performance of any actions violating the principle of voter's secret will expression.

#### **Article 6 Periodical and Compulsory Elections**

1. The Parties hereto proceed from the assumption that elections of the elective bodies of state power, local self-governments, other bodies of people's (national) representation, elective officials are compulsory and they are carried out in terms fixed by the constitutions and laws.
2. Elections should be conducted with a periodicity being determined by the Constitution, law in such a way that people's free will always be the basis of elective bodies of the state power, local self-governments, other bodies of people's (national) representation, elective officials.
3. The term of powers of elective bodies and of elective officials is determined by the Constitution and laws. Alteration of the term of powers should be established only by the procedure stipulated by the Constitution, laws.
4. The Parties hereto proceed from the assumption that there should not be undertaken actions or disseminated appeals to execute actions inducing or aimed at inducement to break or cancel or adjourn the term of elections, of execution of election actions and procedures set in accordance with the Constitution, laws.
5. The Parties hereto proceed from the assumption that under the conditions of the state of emergency or martial law, in order to assure citizens with safety and to protect the

constitutional system in accordance with the Constitution, laws there may be established limitations of rights and freedoms with their limits and period of validity fixed, and there may be adjourned the date of conducting elections.

### **Article 7 Open and Transparent Elections**

1. The preparation and conduct of elections shall be executed openly and publicly.
2. Decisions of electoral bodies, state authorities and local self-governments, made within the framework of their competence related to setting of the term, preparation to and conducting of elections, to provision of and protection of the citizen's voting rights and freedoms, are, in an obligatory manner, subject to an official publishing, or they are publicised in another way, in accordance with the procedure and in terms stipulated by the laws.
3. Legal acts and decisions relating to the citizen's voting rights, freedoms and obligations cannot be applied if they are not officially communicated to the public.
4. The electoral body within the time-period fixed by the legislation on elections shall, in their press means or in other mass media, publish the information on results of voting as well as the data on all the persons elected.
5. Observance of the principle of openness and publicity of elections should provide for establishment of conditions for execution of election monitoring by public and international bodies.

### **Article 8 Free Elections**

1. The supremacy of the Constitution is the basis for conducting of free elections, and provides the citizens and other participants of the election process with the possibility to make their choice in respect of their participation or non-participation in elections within the form allowed by the law and by legal methods, without any influence, violence, threat to apply violence or an illegal coercion, not being afraid of penalty or influence, regardless of the results of the voting and results of elections, and with provision of legal and other guarantees as regards the issue that there will be exercised the principles of free elections during the whole election process.
2. Citizen's participation in elections is free and voluntary. Nobody can force him/her to vote for a definite candidate or a definite list of candidates, or against a definite candidate, a definite list of candidates, nobody has the right to exert influence upon the citizen in order to force him/her to take part in or abstain from elections as well as upon their free expression of will. No one voter may be forced by whomever to declare how s/he is going to vote or how s/he has voted.
3. The candidate, political party (coalition) and other players of the election process are responsible before the society and state in accordance with the Constitution and the law. No one candidate or political party (coalition), another public formation or organisation has the right to apply methods of a psychological, physical, religious compulsion or appeals to violence, or threat to apply violence, or any other forms of compulsion.

## **Article 9 Authentic Elections**

1. During authentic elections there are guarantees for revealing the freely expressed will of the people and for its direct execution.
2. Authentic elections provide voters with a possibility based on the constitution and the laws to choose between candidates. With authentic elections, there are a real political pluralism, an ideological variety and a multi-party system that are exercised through functioning of political parties, which legal activities are under a legal protection of the state.
3. With authentic elections, there is provided voters' free access to information on candidates, lists of candidates, political parties (coalitions) and on the process of elections, and in the case of candidates, political parties (coalitions) - to mass media and means of telecommunications.
4. In the course of preparation to and conducting of elections, there is used the state language or state languages, and in the cases and in the order being fixed by laws, also the official languages of the composite parts of the state territory, languages of nations and nationalities, national minorities and ethnic groups in the territories of their compact living.
5. Setting of a term of elections and their conducting, election actions and procedures should be performed in the manner and in terms that allow the candidates, political parties (coalitions) and other players of the election process to conduct the full-fledged pre-election campaign.
6. Authentic elections assume equal and fair legal conditions for registration of candidates, lists of candidates and political parties (coalitions). Registration requirements should be clear, and they should not include conditions that may become the grounds for limitations or privileges of a discriminatory nature. Any arbitrary or discriminatory application of norms for registration of political parties (coalitions), candidates, lists of candidates is not allowed.
7. Every candidate and political party (coalition) participating in elections should acknowledge the results of voting and the results of democratic elections, and have the possibility to appeal against the official results of voting, the results of elections that breach citizen's voting rights and freedoms, to courts and/or other bodies in accordance with the procedure and terms stipulated by laws, international obligations of the state.
8. Persons and bodies whose activities are aimed at falsification of counting of votes, of the outcomes of voting and of the results of elections, at hindrance to citizen's free execution of his/her voting rights and freedoms, including those in the form of boycott or appeals to boycott the election, refusal to execute the election procedures or election actions should be prosecuted according to the law.

## **Article 10 Fair Elections**

1. The observance of the principle of fair elections should provide for establishment of equal legal conditions for all participants of the election process.
2. While conducting fair elections, there are assured:
  - a) the universal and equal suffrage;

- b) equal possibilities for every candidate or every political party (coalition) to participate in the election campaign, including the access to mass media and means of telecommunications;
  - c) a fair and open financing of elections, election campaign of candidates, political parties (coalitions);
  - d) honesty when voting and counting of votes, full and swift communicating of the results of voting with an official publishing of all results;
  - e) organisation of the election process by impartial electoral bodies, working openly and publicly under an effective monitoring by public and international bodies;
  - f) a quick and effective examination by courts and other bodies invested with the power to do so of complaints about violations of voting rights and freedoms of citizens, candidates, political parties (coalitions) within the time-period framework of relevant stages of the election process, provision for the citizen's right to apply to international judicial bodies for protection and restitution of their voting rights and freedoms in accordance with the procedure stipulated by the norms of the international law.
3. The candidates may be put forward by voters of a relevant electoral district and/or by way of self-nomination for election. Candidates and/or lists of candidates may also be put forward by political parties (coalitions), other public formations and subjects who have the right to put forward candidates and/or lists of candidates, mentioned in the Constitution, laws.

#### **Article 11** **Conducting of Elections by Electoral Bodies** **(Election Commissions)**

1. The preparation and conduct of elections, provision for and protection of citizens' voting rights and freedoms, and control of their observance are to be born by electoral bodies (election commissions) which status, competence and powers are established by the Constitution and legislative acts.
2. The formation and activities of other structures (bodies, organisations), which substitute or exercise fully or partially, or hamper the legal activities, or illegally interfere with activities, or confer the status, functions and powers of electoral bodies is not permitted.
3. The way of formation, powers, organisation of activities of electoral bodies, as well as the manner, grounds and terms for disbandment of the composition (members) of electoral body or premature termination of powers of the member (members) of electoral body shall be determined by laws. And the manner and terms of premature termination of powers of the member (members) of electoral body on the grounds envisaged in the law, as well as appointment, by the body authorised to do so, of a new member of the electoral body instead of that withdrawn, shall not prevent from execution by the electoral body of the powers it is entrusted with, violate integrity of the election process, lead to non-observance of the terms of execution of the election activities, to violation of the citizens' voting rights and freedoms.
4. The Parties hereto acknowledge the possibility of vesting the candidate, political party (coalition), which has put forward the list of candidates, with the right to appoint - in accordance with the procedure stipulated by the law - to the electoral body, which has registered the candidate (list of candidates), as well as to lower electoral bodies in one member of the electoral body with a deliberative vote, representing the candidate who has appointed him or her, the political party (coalition).

5. The member of electoral body with the deliberative vote has the right to speak at a meeting of the electoral body, to make proposals relating to the issues in the competence of electoral body, and to require to hold voting on those issues; they have the right to appeal against actions (inaction) of the electoral body to the higher electoral body or to the court, to exercise other powers stipulated by laws.

6. Decisions of electoral bodies, adopted within the framework of competence, are binding for executive authorities, state institutions, local self-governments, political parties and other public formations, their representatives, organisations, officials, voters, lower electoral bodies, other persons and organisations mentioned by laws.

7. The Parties hereto acknowledge and put on governmental bodies, local self-governments, institutions, organisations, and on their officials, the obligation to support the electoral bodies in execution of their powers, and on the organisations executing television and/or radio broadcasting, and on editorial staffs of periodical print publications, specified in election-related legislation, the obligation to provide the electoral bodies, free of charge, with broadcasting time, the possibility to place printed information for the necessary transfer of messages to voters on elections and the course of electioneering.

## **Article 12**

### **Financing of Elections and of Election Campaign of Candidates, Political Parties (Coalitions)**

1. The financing of measures connected with elections is executed at the expense of budget resources.

2. The states shall assure, in the cases and in accordance with the procedure stipulated by the constitutions and laws, allocation to the candidates, political parties (coalitions), participating in elections, on fair terms, of budgetary resources, as well as the possibility to create an off-budget fund at the electoral body, or to form their own financial electoral fund for the purpose of financing their election campaign, and to use for those purposes their own funds, voluntary money donations made by physical and/or national legal entities in amounts and in accordance with the procedure stipulated by the laws. Use by the candidates, political parties (coalitions) of other funds apart from those that have come to the said funds, has to be forbidden and to entail responsibility in accordance with the laws.

3. Any foreign donations, inclusive of those from foreign physical and legal entities, for candidates, political parties (coalitions), participating in elections, or to other public unions and organisations, which directly or indirectly, or in another manner relate to or are under a direct influence or control of the candidate, political party (coalition), and facilitate or contribute to accomplishment of goals of the political party (coalition) are not allowed.

4. This Convention signatory states shall provide for an open and transparent nature of all money donations to candidates, political parties (coalitions), participating in elections, in order to avoid any prohibited donations to candidates, political parties (coalitions) that have put forward the candidates (lists of candidates) in elections.

5. The candidates, political parties (coalitions) participating in elections should, with periodicity stipulated by the laws, submit to the electoral bodies and/or other bodies, mentioned in the law, information and reports on receipt of all donations to their election financial funds, on their donors as well as on all their disbursements from those funds on financing of their election campaign. The electoral bodies shall provide for publication of the said information and reports in mass media and means of telecommunications mentioned in the laws.

6. This Convention signatory state may form or place powers relating to execution of the control or supervision over observance of rules and manner of financing of the election campaign of candidates, political parties (coalitions) on a special body or bodies, officials or electoral bodies.

7. The list of violations of conditions for and manner of making donations, as well as financing of activities of candidates, political parties (coalitions) and the list of measures for warning of, prevention of violations of regulations on financing of elections and election campaign of candidates, political parties (coalitions) should be stipulated by the laws, other normative legal acts.

### **Article 13**

#### **State Information Support for Elections and Campaign Activities**

1. The state shall assure freedom of search, collection, dissemination of information on elections, candidates, an impartial information coverage of elections in mass media and means of telecommunications.

2. Mass media and means of telecommunications are called upon to inform the population on elections, nomination of candidates, their pre-election programmes (platforms), on election campaigning, the outcomes of voting and the results of elections, to exercise their activities within the framework of constitutions, laws, international obligations of the state.

3. The Parties hereto consider that according to the laws, representatives of mass media and means of telecommunications have the right to:

- a) attend electoral bodies' meetings, providing for publicity and openness of their activities;
- b) get acquainted with documents and materials of respective electoral bodies on the outcome of voting and the results of elections, to produce or to receive from a relevant electoral body copies of the documents and materials mentioned, to pass them for the purpose of publication to mass media and means of telecommunications;
- c) attend public campaign events, reflect election campaigning in mass media;
- d) be present during the voting procedure, counting of votes, vote tabulation and announcing the election results.

4. The states ensure that citizens, candidates, political parties (coalitions), which nominated a candidate and/or a list of candidates and other public formations, are guaranteed the freedom to conduct campaign activities in any forms which do not contradict the law and in line with the procedure and in terms stipulated by the laws provided pluralism of opinions and absence of censorship.

5. All candidates, political parties (coalitions) participating in the elections shall, in accordance with the Constitution and the laws, be provided with equal conditions for access to mass media and means of telecommunications in order to conduct their pre-election campaign, including those relating to presentation of their pre-election programme (platform).

6. During election campaign, there shall not be allowed abuse of the freedom of speech and freedom of mass communication, including appeals to a violent seizure of power, violent alteration of the constitutional system and breach of the territorial integrity of the state, appeals aimed at propaganda of war, terrorist, any other violent actions, appeals provoking a social, racial, national, ethnic, religious hatred and hostility.

7. The Parties hereto proceed from the assumption that mass media and means of telecommunications of one State party to this Convention must not be used by anyone for the purposes of taking part in the propaganda activities during election campaign taking place on the territory of another State party to this Convention.

8. The list of breaches of the conditions and the course of conducting by the candidates, political party (coalition) of their campaign activities, as well as participation of mass media in information coverage of the election campaign, constituting the grounds for occurrence of responsibility, shall be set by the laws.

#### **Article 14**

##### **Status and Powers of National Observers**

1. The Parties hereto acknowledge that every candidate, every political party (coalition), another public formation (public organisation), group of voters, other subjects of elections, mentioned in the Constitution, laws, have the right - in accordance with the procedure set by the laws or normative acts, being adopted by the bodies organising elections - to appoint national observers who shall, on the voting day, during early voting, have the right to observe in the place destined for voting.

2. The rights and obligations of national observers shall be determined by legislation.

3. The Parties hereto acknowledge that the national observers should be vested with the following rights:

a) to get acquainted with the election documents mentioned by the laws on elections, to receive information on the number of voters included in the lists of voters, and on the number of voters taken part in the voting, including early voting, the voting outside a polling station;

b) to be present at the polling station;

c) to observe the issuance of ballot papers to voters;

d) to be present during early voting and when voters are voting outside a polling station;

e) to observe vote count in the conditions that provide for visibility of ballot counting procedure;

f) to observe filling of the result protocol and other documents by the electoral body, to get acquainted with the records of the electoral body on the outcome of voting, including the protocols that are compiled repeatedly, to receive the attested copies of the protocols in accordance with the procedure stipulated by the national legislation from a relevant electoral body;

g) to address proposals and comments on the issues of organization of voting to the electoral body;

h) to appeal against decisions and actions (inaction) of the electoral body, members of the electoral body to the next higher electoral body or to the court.

4. In the cases and in accordance with the procedure stipulated by the laws, the rights of the national observer may also be used by candidates' trustees.

5. The Parties hereto recognise the possibility to vest the electoral bodies and/or other bodies and organisations with powers to organise training of national observers and other

participants of electoral process on the basics of democratic election technics, the national legislation on elections, international election standards, provision for and protection of the voting rights and freedoms of the person and citizen.

### **Article 15** **Status and Powers of International Observers**

1. The Parties hereto proceed from the assumption that the presence of international observers promotes openness and transparency of elections and ensures the observance of international commitments of the states. They will strive to facilitate the access of international observers to election processes being conducted on a lower level than the national one, including the municipal (local) level.

2. Activities of international observers are regulated by the laws of the country of presence, by this Convention and other international documents.

3. International observers shall receive the permission to enter the territory of the state in accordance with the procedure stipulated by the law, and they are accredited by a relevant electoral body upon presentation of a relevant invitation. Invitations may be sent by the bodies authorised by the law upon an official publication of the decision on setting of election. Proposals to send invitations may be submitted by charter bodies of the Member States of the Commonwealth of Independent States.

4. A central electoral body shall issue a certification of accreditation of the established pattern to an international observer. Such a certification gives the international observer the right to exercise monitoring in the period of preparation to and conducting of elections.

5. An international observer shall, while staying in the territory of the state of presence, be under the protection of a given state. The electoral bodies, governmental bodies, local self-governments are obliged to render them a necessary assistance within their scope of competence.

6. An international observer shall perform his activities on their own and independently. Material and financial provision of international observer's activities is executed at the expense of the party that has seconded the observer, or at their own expense.

7. The international observers may not use their status to carry out activities not connected with observing of election campaign. The Parties hereto reserve their right to deprive of accreditation those international observers who are breaching the laws, generally accepted principles and the international law standards.

8. The international observers have the right:

a) to have an access to all the documents (not infringing upon interests of national security) regulating the election process, to receive from the electoral bodies necessary information and copies of the election documents stated in national laws;

b) to contact the political parties, coalitions, candidates, individuals, workers of electoral bodies;

c) to visit freely all polling stations places of voting, also on the election day;

d) to observe voting, vote count and tabulation of the election results under the conditions providing for transparency of ballot counting;

- e) to get acquainted with the results of consideration of complaints (statements) and claims related to breach of the laws on elections;
  - f) to inform the representatives of electoral bodies about their observations, recommendations without interference in work of the bodies executing elections;
  - g) to present their opinion publicly on preparation and conducting of elections after voting was conducted;
  - h) to submit their observation conclusions to the election officials, governmental bodies and other relevant officials.
9. The international observers are obliged:
- a) to observe the provisions of this Convention, constitution and laws of the country of residence and other international documents;
  - b) to have with them the accreditation card of international observer, being issued in accordance with the procedure stipulated by the country of presence, and to show it on request of the election officials;
  - c) to fulfil their functions being guided by the principles of political neutrality, impartiality, non-expression of any preferences or appraisals of the electoral bodies, governmental and other bodies, officials, participants of the election process;
  - d) not to interfere in the election process;
  - e) to formulate all their conclusions on the basis of observation and factual material.

#### **Article 16**

#### **Appealing against and Responsibility for Breach of Citizens' Rights and Freedoms**

1. In the case of breach of the election standards, of the citizen's voting rights and freedoms, proclaimed in this Convention, the person or persons whose rights are infringed should have the right and possibility to appeal and to restore the infringed rights at courts. One should have the right to appeal to electoral bodies in the cases stipulated by the laws.
2. The persons guilty of perpetration of actions (inaction) forbidden by the laws should bear responsibility in accordance with the laws.

#### **Article 17**

#### **Election Documentation**

1. The Parties hereto proceed from the assumption that ballot papers, other election documents, including documents of the government bodies, electoral bodies related to elections shall be compiled (published) in the state's official language and in the official languages of the composite parts of the territory of state, and in accordance with the procedure stipulated by the national laws, also in languages of the nations and nationalities, national minorities and ethnic groups in the territories of their compact living.
2. The Parties hereto acknowledge that the election documents on the basis of which the vote results are determined are the documents of strict accountability. The degree of protection of such documents is determined by the law.

**Article 18**  
**Measures That Should not Be Considered as Discriminatory**

1. The voting rights and freedoms of citizens mentioned above may be limited by the Constitution, law, and not be considered as discriminatory if they stipulate:

a) special measures undertaken in order to provide for adequate representation of any part of the country's population, in particular, of national minorities and ethnic groups, which actually is, due to political, economic, religious, social, historical and cultural conditions, deprived of the possibility to avail itself of an equal standing in respect of political and election rights and freedoms as the rest of the population;

b) limitation of the right to elect and be elected with respect to citizens recognised by a court as incapable as well as of those being kept in detention upon the court's sentence.

2. Limitations regarding nomination of candidates, lists of candidates, relating to creation and activities of political parties (coalitions), citizens' voting rights and freedoms can be applied in the interests of defence of the constitutional system, national security, maintenance of public peace, protection of public wealth and morality as well as protection of rights and freedoms of citizens; however, the given limitations should comply with international obligations of the state.

3. The States party to the Convention in their striving for further democratisation of the election process proceed from the assumption that the existing limitations or advantages in execution of voting rights and freedoms stipulated by the Constitution, laws, and not contradicting international obligations of the state should, as proper national and international conditions and guarantees of the citizen's voting rights and freedoms are established, be reversed in order to provide the election process participants with equal legal conditions for participation in elections.

**Article 19**  
**Rights and Obligations of the Convention Signatory States**

1. The States party to the Convention commit themselves to undertake legislative and other steps in order to consolidate the guarantees of voting rights and freedoms with the purpose to prepare and conduct democratic elections, to execute the provisions of the Convention. The standards of democratic elections, the citizen's voting rights and freedoms proclaimed above may be assured by way of their inclusion in the constitutions, legislative acts.

2. The States party to the Convention commit themselves to:

a) guarantee protection of democratic principles and standards of the voting right within the framework of generally accepted principles and standards of the international law, a democratic nature of elections, free expression of will by citizens during elections, justification of the requirements regarding recognition of election as taking place, real and legitimate;

b) undertake necessary measures aimed at adoption of the entire election legal framework by the national legislative body and that the legal norms ensuring conducting of election should not be introduced by the executive power's decrees;

c) aim that all or part of deputy mandates of the second chamber of the national legislative body be the object of a free competition of candidates and/or lists of candidates in the course of nation-wide elections stipulated by the laws

d) strive for creation of a system of legal, organisational, information guarantees for assurance of citizens' voting rights and freedoms in the course of preparation and conducting of

elections of any level, to undertake necessary legislative measures aimed at provision of women with fair and real, equally with men, possibilities to execute the right to elect and be elected to the elective bodies, to elective posts both individually and as part of political parties (coalitions) on the terms and in accordance to the procedure stipulated by the Constitution, laws and aimed at establishment of additional guarantees and conditions for participation in voting by people with physical impairment (invalids, etc.);

e) conduct voter registration on the basis of a legislatively established non-discriminatory and effective procedure that envisage such parameters of registration as age, citizenship, place of residence, basic document certifying citizen's identity;

f) stipulate in the law responsibility of persons providing information on voters for authenticity of information, completeness of relevant information and timeliness of submission of such information, securing, in accordance with the legislation, of a confidential nature of personal data;

g) facilitate formation of political parties and their free legal activity, to regulate in terms of legislation financing of political parties and the election process, to assure that the law and governmental policy provide for separation between the party and state, for conducting election campaigns in the atmosphere of freedom and fairness that allow parties and candidates to exercise a free expression of their views and assessments, election programmes (platforms), and allow voters to get acquainted with them, to discuss them and to vote for or against them freely, nor being afraid of penalty or any prosecution whatsoever;

h) ensure undertaking measures providing for impartiality in covering the election campaign by mass media, including Internet, impossibility to set up legal or administrative obstacles preventing the access to mass media on a non-discriminatory basis for political parties and candidates, to form an information data bank based on the results of public opinion surveys relating to elections, which data ought to be presented to the election process participants as well as to international observers on their requests to have information or to make a copy, to implement new information technologies providing for an open character of elections, increasing the degree of voters' confidence in outcome of voting and in election results;

i) to adopt national and take part in developing and adoption of interstate programmes of civic education, to provide conditions for citizens and other participants of the election process to get acquainted and to be trained on election procedures and rules in order to upgrade their legal culture and to improve professional qualification of the election officials;

j) to ensure establishment of independent, impartial electoral bodies to organise the conduct of democratic free and fair, authentic and periodical elections in accordance with the national legislation of the country and in line with international commitments of the state;

k) to provide the candidates who received the necessary number of votes stipulated by the law with the possibility to adequately take their posts and to remain at their posts till expiration of the term of their powers or till their termination in another way that is regulated by the law;

l) to undertake measures of introducing the legislative regulation of the list of breaches of citizens' voting rights and freedoms as well as the grounds and procedures of holding liable persons, who prevent by violence, cheat, threats, forgery or in another way citizen to exercise freely their right to elect and be elected to exercise other electoral rights and freedoms fixed in the constitutions and the laws, with criminal, administrative and other charges.

m) facilitate establishment of the interstate unified data (information) bank on the national election legislation, election process participants (taking into account the fact that personal data have a confidential nature), law enforcement and judicial practice, legislative proposals on developing electoral system, as well as another information related to organisation of election process for the purposes of exchange of information and joint use;

n) promote co-operation between the electoral bodies of the States party to the Conventions, including formation and/or expanding of the mandates of the existing interstate associations of electoral bodies.

#### **Article 20** **Right Being Granted Irrespective of This Convention**

1. Nothing in this Convention shall prevent fulfilment by the states of their international commitments on preserving citizen's voting rights and freedoms. In particular, the states should honestly fulfil the duties and obligations that they have undertaken in accordance with the international agreements and treaties of which they are the parties.

2. Realisation of the rights presented in this Convention does not infringe on realisation by all people of the generally accepted human rights and basic freedoms.

3. Nothing in this Convention shall be construed as allowing for any activity contradicting the objectives and principles of the Charter of the Commonwealth of Independent States.

#### **Article 21** **Status of the Interstate Electoral Council**

1. The Parties hereto acknowledge the necessity to establish, on the grounds of national electoral bodies of the States party to the Convention, the Interstate Electoral Council in order to render assistance in observing of elections in the States party to the Convention and to observe fulfilment of the Convention's provisions.

#### **Article 22** **Procedure of This Convention Becoming Effective**

This Convention shall become effective from the date of submitting to the depository for safekeeping of the third notification on fulfilment by the Parties hereto interstate procedures necessary for it to become effective.

In the case of the Parties hereto sent the notifications on fulfilment of such procedures to the depository later, the Convention becomes effective as of the date of receipt by the depository of such a notification.

#### **Article 23** **Procedure of Joining the Convention**

This Convention is open for joining it by other states ready to take obligations issuing from this Convention.

In the case of the joining state, this Convention becomes effective as of the date of leaving the document on joining with the depository for safekeeping.

**Article 24**  
**Procedure of Leaving the Convention**

Every Party hereto may leave this Convention, having sent the notification in writing on this to the depository.

**Article 25**  
**Procedure of Amending the Convention**

The changes and amendments to the Convention may be introduced by presenting a separate protocol that become effective in accordance with the procedure stipulated by Article 22 of this Convention.

**Article 26**  
**Dispute Resolutions**

Disputes linked with application or interpretation of this Convention shall be resolved by way of consultations and negotiations between the parties concerned.

Done in Chisinau on 7 October 2002 in one authentic copy in Russian. The authentic copy shall be kept with the Executive Committee of the Commonwealth of Independent States which will send each state signed this Convention its attested copy.

For the Azerbaijani Republic

For the Republic of Moldova

For the Republic of Armenia

For the Russian Federation

For the Republic of Belarus

For the Republic of Tajikistan

For Georgia

For the Republic of Turkmenistan

For the Republic of Kazakhstan

For the Republic of Uzbekistan

For the Kyrgyz Republic

For Ukraine