

SOME TYPES OF RESTRICTIONS OF ACTIVE SUFFRAGE IN THE WORLD

The relevance of this article is caused by heterogeneity election limitation, the existence of different electoral systems and the existence of international acts that reinforce basic voting rights (Code of Good Practice in Electoral Matters, International Covenant on Civil and Political Rights, Convention on Election Standards, Electoral Rights and Freedoms, and others).

The feature limiting election franchise in Europe is that despite the existence of electoral standards, some countries quite differently provide the right to elect their representatives. Usually foreigners and stateless persons do not have this right. However, in some cases, these categories of people can vote in national elections (Ireland, Spain), in accordance to the principle of reciprocity or to the special law.

Also they can vote in local elections, if they stayed in the country for some term (for example, five years in the Netherlands and Estonia, or two in Finland) and pay taxes (Hungary, Spain, Finland) [1, P. 101]. It is interesting that foreigners permanently residing in the UK and having property and being citizens of the British Commonwealth and the Republic of Ireland, have the right to vote. Likewise the citizens of Iceland and Norway are allowed to vote in Sweden [2, c. 129].

The legislation of Ukraine states the principle of personal voting. In French

Republic the principle of personal voting is applicable only for presidential elections and the voting in a referendum. In other elections, citizens living abroad can vote by proxy in their communes (by place of birth or last residence – in the case of fixing their application for inclusion into voter lists).

Under such conditions the voter can give proxy to any other person to vote on his behalf. Such a method of voting also exists in Belgium and Netherlands. The implementation of this right is controversial. In this case we can't say exactly how objective the elections would be. In France and Belgium also residential qualification (which is 6 months) is antidemocratic, in our opinion.

In many countries people try to avoid participating in elections. It is called Absenteeism (from Lat. – absence) – a failure to participate election. That's why some countries require their citizens to participate in the electoral process making it their duties. For avoiding of participating in election there are even different sorts of punishments. Thus in Austria it is an administrative fine of 1,000 shillings, in Greece – imprisonment for four weeks, in Australia – a fine of 50 Australian dollars and in Argentina the person who did not participate in the election, loses the right to stay on public service for three years.

Code of Good Practice in Electoral Matters, accepted by the Commission on the 52nd session, establishes that the franchise must be received no later than the person gets his/her full age. In most countries the minimum age is 18. There are exceptions, such as in Austria – it is 19 and in Cyprus – 21. In Croatia people who have legal job can participate it elections if they are only sixteen.

The Venice Commission insists on need to give the franchise to citizens living abroad. However, in Slovakia voters, living abroad aren't having this right. In the Czech Republic these citizens can vote in the elections to the lower house of parliament only.

Prisoners are not usually allowed to vote at the elections. This limitation is fixed by the Venice Commission but the reason for it is a conviction for serious crimes [3, c 5]. In different countries such prohibition is quite different. For example, in Hungary, Estonia, Slovakia and Cyprus all the prisoners do not vote, in France and the Netherlands – only certain types of crimes [4, 19-24]. Such restriction was established by Latvian legislation only for persons taken in detention, in Italy – in the presence of a criminal record. In Austria the persons that were made free of prison can't vote for six months. There is almost the same situation with the people in mental hospitals. In Belgium such persons cannot vote for the entire duration of treatment, and in Germany – only if they were sent for compulsory treatment exceeding one year.

The secondary qualification and sex qualification are nowadays hardly practiced in democratic countries [5, P. 153]. Yet In Japan a voter is required to write down with his own hand the name of the candidate in the ballot. Thus it is a sort of secondary qualification. Women limitations exist only in some small countries in Latin America.

So, despite the primary trend of expanding electoral rights of citizens in

democratic countries, there are some countries where various restrictions exist. And these restrictions do not conform to the principles of representative democracy. So, international organizations (such as the Organization for Security and Cooperation in Europe) should encourage expansion of voting rights in democracy countries.

References

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