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**CDL-EL(2013)010**  
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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ACTIVITIES OF THE VENICE COMMISSION**  
**IN THE ELECTORAL FIELD**  
**INFORMATION DOCUMENT**

## **I. Activities which took place since the last meeting of the Council for Democratic Elections**

### **A. Conferences and seminars**

#### **1. 10<sup>th</sup> European Conference of Electoral Management Bodies**

On 26-27 June 2013, the Commission organised in Chisinau, in co-operation with the Central Election Commission of Moldova, the 10th European Conference of Electoral Management Bodies on "The Code of Good Practice in Electoral Matters : Strengths and Potential Developments". 107 participants attended the conference, including from the national electoral management bodies of 26 countries.

The issues which were addressed during the conference included the European and domestic case-law with respect to Article 3 of Protocol N. 1 to the European Convention on Human Rights, the funding of electoral campaigns and political parties and the improvement of the functioning of electoral management bodies to increase public confidence.

The Conference was opened by Mr Nicolae Timofti, President of the Republic of Moldova, Mr Oleg Efrim, Minister of Justice, Mr Alexandru Tănase, President of the Constitutional Court, Mr Iurie Ciocan, Chairman of the Central Election Commission, Ms Urszula Gacek, Ambassador, Permanent Representative of the Republic of Poland to the Council of Europe and Mr Peter Paczolay, President of the Constitutional Court of Hungary and member of the Venice Commission.

#### **2. 22nd Annual Conference of the Association of European Election Officials (ACEEEO)**

The Venice Commission took part in the 22nd Annual Conference of the Association of European Election Officials (ACEEEO), held in Warsaw on 12-14 September 2013 and dedicated to "The Role of Information and Communication Technology and Social Media in Elections". Mr Martin-Micallef from the Secretariat intervened on the impact of social media in elections and their compatibility with electoral standards.

#### **3. Meeting on the VOTA database**

From 13 to 16 September 2013, a delegation from the Federal Electoral Court of Mexico visited the Venice Commission in order to discuss the implementation of the VOTA database. The meeting was very fruitful. The Federal Electoral Court of Mexico developed the database from a technical point of view in order to make it fully operational. The Venice Commission and the Federal Electoral Court will share the responsibility of the collection of data – in co-operation with OSCE/ODIHR – and its indexation, whereas the Federal Electoral Court will administer it. The invaluable contribution of the Federal Electoral Court will make it possible to include data on the countries of whole America into the database.

#### **4. International workshop - Political Rights in the Age of Globalization**

On 18-20/09/2013, the Venice Commission took part in a workshop organised by the "Global Democratic Governance" Profile Area of the University of Sankt Gallen (Switzerland) on "Political Rights in the Age of Globalization". Mr Garrone made a report on "Challenges of Organizing Elections beyond Territory and Membership".

## **5. Visit of a delegation of the Central Electoral Commission of Armenia**

On 17-18 June 2013, at the occasion of the visit of a delegation of the Central Electoral Commission of Armenia to the Council of Europe's premises in Strasbourg, the secretariat made an intervention on "The Recent Work of the Venice Commission and its Most Recent Opinions on the Elections Related Legislation of Armenia".

### **B. Long-term assistance to Central Election Commissions**

#### **1. Albania**

The long-term assistance to the Central Electoral Commission of Albania proceeded up to 6 July 2013 (cf. CDL-EL-PV(2013)003, item 2). In spite of the difficulties due to the Central Election Commission not functioning in its full capacity, already mentioned at the Council for Democratic Elections last meeting, the electoral process took place in a satisfactory manner. The long-term presence of the experts (Messrs Masters and Olszewski) helped in particular addressing technical issues in conformity with international standards.

As a follow-up to this activity, a delegation of the Venice Commission, including Mr Olszewski and Ms Ubeda de Torres, participated on 5 September 2013 in Tirana in a meeting on the strategic action plan of the Council of Europe to be developed for Albania, particularly concerning the long term assistance to the Central Electoral Commission.

#### **2. Georgia**

At the request of the Central Election Commission of Georgia, the Venice Commission is providing that commission with an election expert (Mr Leyraud) from 1 till 30 October 2013 in order to assist the commission in preparing the presidential election to be held on 27 October 2013.

### **C. Legal assistance to an observation mission of the Parliamentary Assembly**

#### **Albania**

A delegation of the Venice Commission, including Mr Olszewski (long-term expert) and Ms Ubeda de Torres, provided legal assistance to the *ad hoc* committee of the Parliamentary Assembly of the Council of Europe, which observed the parliamentary elections in Albania of 23 June 2013.

## **II. Opinion submitted to the 96<sup>th</sup> plenary session of the Venice Commission**

### **Electoral legislation of Ukraine**

On 20 June 2013, the Delegation of the European Union to Ukraine and the Embassy of the United States of America to Ukraine, in co-operation with the Venice Commission of the Council of Europe and the Office for Democratic Institutions and Human Rights of the OSCE, organised a round table aimed to discuss the current and future reform of electoral legislation in Ukraine, in the light also of the December 2012 European Council Conclusions and the February 2013 EU-Ukraine Summit Declaration.

The Ministry of Justice of Ukraine submitted in July 2013 a new set of amendments to the law on parliamentary elections, which according to the Ministry, integrated most recommendations of the last joint opinion of the Venice Commission and OSCE/ODIHR (CDL-AD(2013)016). In addition, representatives of the Venice Commission participated in two roundtables organised

by the new Minister of Justice – Ms Olena Lukash - on electoral legislation on 13 August and on 11 September. Both roundtables were inclusive and representatives of the opposition parties and the civil society had a possibility to make extensive presentations and proposals as to the reform of electoral legislation and practice in Ukraine. During these events the necessity to review the whole legislation on elections (including laws on local and presidential elections) was stressed. If the authorities keep this open and constructive dialogue with different national and international stakeholders, some steps to launch a genuine reform in the electoral field can be undertaken already before the Vilnius summit. This could end the deadlock created by the local elections of 2010 and the adoption of the law on elections of MPs in 2010.

At its 96<sup>th</sup> plenary session, the Venice Commission will be invited to hold an exchange of views with Ms Olena Lukash, Minister of Justice of Ukraine, and to examine, with a view to adoption, the draft joint opinion (CDL(2013)037) on the draft amendments to the law on election of people's deputies of Ukraine and other related laws (CDL-REF(2013)039 and 042) drawn up on the basis of comments of Mr Paczolay and Mr Pilgrim (expert, OSCE/ODIHR).

### **III. Future activities**

#### **A. Studies**

##### **1. Use of administrative resources**

The final version of the study on the use of administrative resources will be submitted for adoption to the Council for Democratic Elections and the Venice Commission at the December 2013 session, on the basis of contributions of Messrs Gonzalez Oropeza, Hirschfeldt, Kalchenko and Kask.

##### **2. Criteria for standing for local and regional elections**

The Group of Independent Experts on the European Charter of Local Self-Government had a discussion on the preliminary analysis of the answers received to the questionnaire, during their meeting on 19-20 September 2013, that had been prepared by Michel Verpeaux (France). Mr Verpeaux will prepare a more complete analysis which will be sent to the members of the Group before being sent to the Governance Committee in 2014. The Venice Commission should then be invited to make comments on the report.

#### **B. Opinion**

##### **Bulgaria**

A Venice Commission delegation is going to Bulgaria in the week of 11 November 2013 in order to discuss the on-going electoral reform. An opinion may be requested to the Commission accordingly in the coming weeks.

#### **C. Conferences and seminars**

##### **1. Conference on Political Party Regulation**

The Commission will organise, in co-operation with the Ministry of Foreign Affairs of Romania, a Conference on political party regulation in Bucharest on 18 to 19 October 2013 for the attention of the countries of the Southern neighbourhood. Representatives of 9 Arab countries and the Palestinian National Authority have already confirmed their participation.

The main objective of the conference is to have an exchange of views on the implementation of international standards on freedom of association in political parties in Arab countries, notably in such fields as establishment and registration of parties, financing and participation of parties in elections. Representatives of the Venice Commission, GRECO and OSCE/ODIHR will present different recommendations in the above-mentioned fields and their implementation in European countries. Representatives of Romania will speak about the experience of their country.

The Venice Commission will be represented by President Gianni Buquicchio, Messrs Hamilton, Kirov, Philipenko, Ms Suchocka and Mr Tanchev.

## **2. 6th GEO Conference and A-WEB Inaugural Assembly**

On 14-17 October 2013, the Venice Commission will take part in the 6th Conference of the Global Elections Organization (GEO) and the Inaugural Assembly of the Association of World Electoral Management Bodies (A-WEB). The Commission will be represented by Mr Darmanovic.

## **3. Eastern Partnership workshop on election observation**

A workshop with representatives of Central Electoral Commissions of the countries involved in the Eastern Partnership Facility Programme is planned in Strasbourg on 25-26 November 2013. It will address the issue of election observation, and in particular the role of the electoral commissions.

## **4. Roundtables on the electoral legislation of Ukraine**

Two further round tables will take place on electoral matters in Ukraine before the Vilnius summit with the European Union: one in October concerning the recommendations of the Venice Commission and OSCE/ODIHR and the issue of minimum thresholds for representation, and another one in November on the technical aspects of the envisaged reform, in particular the financing of political parties.

## **D. Legal assistance to observation missions of the Parliamentary Assembly**

### **1. Azerbaijan**

In conformity with the agreement between the Venice Commission and the Parliamentary Assembly, the Commission was invited to assist the *ad hoc* committee observing the presidential elections in Azerbaijan on 9 October 2013. Due to the proximity with the date of the plenary session in Venice, it was not possible for the Commission to take part in this committee. The Secretariat of the Commission provided the Assembly with a memorandum analysing the existing legal framework.

### **2. Georgia**

A delegation of the Venice Commission (including Mr Kask and Mr Martin-Micallef) will provide legal assistance to the *ad hoc* Committee of the Parliamentary Assembly of the Council of Europe, which will observe the presidential elections in Georgia of 27 October 2013.