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Or. fr.

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

**14<sup>th</sup> MEETING**  
**OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**  
**(Venice, 20 October 2005 at 9.45 a.m.)**

**DRAFT ANNOTATED AGENDA**

## **1. Adoption of the agenda**

The Council is invited to adopt its agenda as it appears in document CDL-EL-OJ(2005)003ann.

Owing to this meeting's very full agenda, a certain number of documents may be adopted without discussion, in particular when, in view of their urgent nature, they have already been forwarded to the authorities or body which made the request. These documents are indicated by three asterisks (\*\*\*). In addition, items for information only (except item 15 concerning co-operation with OSCE/ODIHR) will only be discussed at the request of a participant; these items are indicated by the abbreviation (*I*).

## **2. Armenia\*\*\***

During its last meeting, the Council for Democratic Elections and the Venice Commission endorsed the interim joint opinion of the Venice Commission and OSCE/ODIHR on the revised draft amendments to the Armenian Electoral Code (CDL-AD(2005)019). The final text of the amendments ([CDL-EL\(2005\)024](#); see the electoral code CDL(2003)052), has been adopted and the draft opinion (CDL-EL(2005)028) was drawn up on the basis of comments made by Messrs Annus and Pilgrim on this text.

The Council is invited to adopt the joint final opinion ([CDL-EL\(2005\)028](#)) of the Venice Commission and OSCE/ODIHR on the amendments to the Armenian Electoral Code which has been sent to the authorities.

## **3. Azerbaijan**

During its last meeting, the Council for Democratic Elections and the Venice Commission endorsed the interim joint opinion of the Venice Commission and OSCE/ODIHR on the revised draft amendments to the Electoral Code of Azerbaijan (CDL-AD(2005)018). The final text of the amendments ([CDL-EL\(2005\)030](#); see the electoral code CDL(2003)047), has since been adopted and the draft opinion (CDL-EL(2005)029rev) was drawn up on the basis of comments made by Messrs Nolte, Paczolay and Maleev on this text.

The Council is invited to adopt the joint final opinion ([CDL-EL\(2005\)029rev](#)) of the Venice Commission and OSCE/ODIHR on the amendments to the Electoral Code of Azerbaijan.

## **4. Serbia and Montenegro**

- *Electoral Law in Serbia*

Mr Hjörtur Torfason is invited to present his comments on a document on the electoral law of Serbia prepared by OSCE/ODIHR (see [CDL-EL\(2005\)025](#), [026](#) and [027](#)).

The Council could be invited to adopt the joint recommendations of OSCE/ODIHR and the Venice Commission on the electoral law and electoral administration in Serbia, on the basis of comments by Messrs Hjörtur Torfason (CDL-EL(2005)044) and Pilgrim.

- *Referendum in Montenegro (I)*

Following requests from the Parliamentary Assembly and the authorities of Serbia and Montenegro, three members of the Commission, Messrs Closa Montero, Tuori and Bradley, prepared comments on the compatibility of the existing legislation in Montenegro concerning the organisation of referendums with applicable international standards with a special focus on the issues of required turnout, the majority required and the criteria for the eligibility to vote. A meeting is organised with the reporting members on 13 October in Frankfurt in the presence of a representative from OSCE/ODIHR and a draft opinion should be submitted to the Council at its December meeting.

**5. Ukraine (I)**

Following a request from the Ukrainian authorities, Messrs Annus (CDL-EL(2005)046) and Sanchez Navarro (CDL-EL(2005)045) prepared comments on the law on the election of people's deputies of Ukraine ([CDL-EL\(2005\)021](#)) and on the law on the state register of voters of Ukraine ([CDL-EL\(2005\)022](#)). A draft joint opinion should be submitted to the Council at its next meeting.

**6. Media monitoring during election observation missions\*\*\***

Since the beginning of 2005 the Venice Commission has been involved in the preparation of a joint document of OSCE/ODIHR, the Council of Europe and the European Commission on media monitoring during election observation missions. A previous version of this report was adopted by the Council for Democratic Elections and the Venice Commission (CDL-AD(2004)047). The observations contained in this report have to a large extent been taken into account in the final version of the document.

The Council is invited to adopt the final version of the document on media monitoring during election observation missions (CDL-EL(2005)043).

**7. Referendum**

- *Comparative study*

On the basis of replies (CDL-EL(2004)011) to the questionnaire on the use of referendums (CDL(2004)031), the Venice Commission secretariat prepared a draft report on referendums (CDL-EL(2005)020), together with summary tables (CDL-EL(2005)020add and add2). These texts were submitted for comment, at several stages of their preparation, to the members of the Council for Democratic Elections and the Venice Commission. Mr Luchaire is invited to present these documents which should be followed up by guidelines on the subject.

The Council is invited to adopt the report and summary tables on referendums (CDL-EL(2005)020 and 020add and add2).

- *Parliamentary Assembly Recommendation 1704\*\*\**

The Parliamentary Assembly requested the Venice Commission's opinion for 30 September 2005 on PACE Recommendation 1704 on referendums: towards good practices in Europe.

The draft opinion ([CDL-EL\(2005\)032](#)), drawn up on the basis of comments by Messrs van Dijk, Luchaire and Malinverni was forwarded to the Parliamentary Assembly after having been submitted for comment to the members of the Council for Democratic Elections.

The Council is invited to adopt the opinion on Parliamentary Assembly Recommendation 1704 on referendums: towards good practices in Europe ([CDL-EL\(2005\)032](#)).

## **8. Women's participation in elections**

Following the adoption of the Venice Commission's comments made to the Committee of Ministers on Recommendation 1676(2004) of the Parliamentary Assembly on Women's participation in elections, the Committee of Ministers has therefore invited the Venice Commission to consider as a first step whether the relevant provisions of the Code of Good Practice in Electoral Matters dealing with electoral equality could be strengthened or complemented to take account of some of the proposals made by the Parliamentary Assembly. It invites the Venice Commission, in the framework of the Council for Democratic Elections, to associate the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the CDEG and the CDLR with this work (CM/AS(2005)Rec1676final, item 6).

Following this request, a draft declaration on women's participation in elections was drawn up based on comments by Mr Luchaire and Ms Suchocka ([CDL-EL\(2005\)031](#)). Mr Luchaire is invited to present this draft declaration.

The CDEG and the CDLR have made written observations which the Council is invited to take into consideration.

The Council is invited to adopt the declaration on women's participation in elections ([CDL-EL\(2005\)031](#)).

## **9. Stability of electoral law**

During its last meeting the Council examined a first draft interpretative declaration of the code of good practice in electoral matters, concerning the stability of electoral law (cf. CDL-AD(2002)023rev, item II.2.b). The Secretariat has revised this text on the basis of members' comments, restricting it to the most relevant points (CDL-EL(2005)017rev).

The Council is invited to adopt the declaration on the stability of electoral law (CDL-EL(2005)017rev).

## **10. Restrictions on the right to vote**

Following the adoption of two reports on the abolition of restrictions on the right to vote in legislative elections by the Council for Democratic Elections and the Venice Commission ([CDL-AD\(2005\)011](#) and [012](#)), the Parliamentary Assembly adopted Recommendation 1714(2005) on the abolition of restrictions on the right to vote. The Committee of Ministers has requested the Venice Commission's comments on this recommendation by 31 October 2005.

The Council is invited to adopt the opinion on the Parliamentary Assembly Recommendation on the abolition of restrictions on the right to vote (CDL-EL(2005)041).

#### **11. Declaration of principles for international election observation**

The Council and the Venice Commission have adopted comments on a first version of a draft declaration on the principles for international election observation (CDL-EL(2004)025 and 026). An international Conference, at which this text will be adopted, will take place at the Headquarters of the United Nations in New York on 27 October 2005.

The Council is invited to adopt the declaration of principles for international election observation ([CDL-EL\(2005\)042](#)).

#### **12. Secrecy of the vote in the context of parliamentary procedure (I)**

The Parliamentary Assembly's Monitoring Committee requested the Venice Commission to invite the Council for Democratic Elections to prepare a study on European practices and standards concerning secrecy of the vote in the context of parliamentary procedure. This matter will therefore be submitted to the Commission's plenary session for a decision on the steps to be taken.

#### **13. "Vota" Forum (I)**

The "Vota" Forum is now available on-line (<http://www.team10.coe.int/cdlel/Lists/NewsGroup/AllItems.aspx>). This site enables the exchange of ideas on questions and on-going activities in the electoral field. It is open to members of the Council for Democratic Elections and European Electoral Administrations. Ms Caroline Godard, [caroline.godard@coe.int](mailto:caroline.godard@coe.int) may be contacted to obtain a password.

#### **14. Future activities**

- *Opinions and recommendations on electoral law*

##### *Croatia*

The Venice Commission and OSCE/ODIHR should shortly receive from the OSCE Office in Zagreb a request for opinion on the draft law on the Central Electoral Commission.

##### *Georgia*

The Venice Commission has received a request for opinion on the latest amendments to the electoral code of Georgia.

##### *Moldova*

The Venice Commission and OSCE/ODIHR are preparing joint recommendations on the electoral law and electoral of Moldova, which will be submitted to the Council for Democratic Elections at its next meeting.

*Ukraine*

New requests could be received for :

- the law on the Presidential elections;
- the law on the elections to the Parliament of the Crimea.

*Kosovo*

Mr Masters could inform the Council on the latest developments in Kosovo which could lead to an opinion.

All these opinions and recommendations should in principle be prepared in co-operation with OSCE/ODIHR.

- *Study on electoral law in Europe*

Mr Krennerich, Venice Commission expert, is preparing a summary report which will take into account the Venice Commission's recent opinions in the electoral field, as well as the observation reports of the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe and the OSCE.

- *Venice Commission participation in election observation missions in accordance with item 15 of the agreement with the Parliamentary Assembly of the Council of Europe*

The next assistance mission will take place in Azerbaijan (November).

**15. Co-operation with OSCE/ODIHR**

An exchange of views will take place with the representatives of OSCE/ODIHR on the possibilities of co-operation, in particular concerning :

- the electoral law of "the former Yugoslav Republic of Macedonia";
- activities in the fields of electoral standards, voter registration, observation of elections and e-voting.

**16. Date of the next meeting**

It is proposed to hold the next meeting in the morning of Thursday, 15 December 2005 starting at 9h45.