



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

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

**15<sup>th</sup> MEETING**  
**OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**  
**(Venice, 15 December 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 this document.

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 will only be discussed at the request of a participant; these items are indicated by the abbreviation (*I*).

## **2. Croatia**

The OSCE Office in Zagreb seized the Venice Commission on the draft law on the Central Electoral Commission. A draft joint opinion of the Venice Commission and OSCE/ODIHR should be submitted to the Council for Democratic Elections at its next meeting.

Mr Hjörtur Torfason is requested to inform the Council on the Round Table on the Electoral Law of Croatia which took place in Zagreb on 13 December 2005.

The Council could invite the Secretariat to prepare, in co-operation with Mr Hjörtur Torfason and ODIHR a draft joint opinion to be forwarded to the Croatian authorities.

## **3. Georgia\*\*\***

The Georgian authorities submitted to the Venice Commission for examination a draft revision of the electoral code concerning the election of the municipal council of Tbilissi ([CDL-EL\(2005\)034](#); see document [CDL-EL\(2005\)033](#)).

The Council is invited to adopt the draft opinion on the draft organic law on amendments and additions to the electoral code of Georgia, drawn up on the basis of comments by Ms Lazarova Trajkovska and Mr Owen ([CDL-EL\(2005\)047](#), which, in view of the urgency, has already been forwarded to the Georgian authorities.

A more general revision of the electoral code was started on 15 November. A draft opinion on this revision should be submitted to the Council at its next meeting (March 2006).

In October a Venice Commission expert carried out a 4 week technical and legal assistance mission with the Central Electoral Commission. It could be envisaged to repeat this type of assistance mission following the adoption of the revised electoral code.

## **4. Moldova**

Following the parliamentary elections which took place in March and the ensuing legislative amendments, joint recommendations of the Venice Commission and OSCE/ODIHR on the electoral code of Moldova were drawn up ([CDL-EL\(2005\)048](#); see [CDL-EL\(2005\)023](#)). The representative of ODIHR is invited to present this draft, with a view to its adoption.

## **5. Serbia and Montenegro**

### *- Electoral Law of Serbia(I)*

Joint recommendations of the Venice Commission and OSCE/ODIHR on the electoral law and electoral administration in Serbia will be submitted to the Council at its next meeting (March 2006).

### *- Referendum in Montenegro*

Messrs Bradley and Tuori (Venice Commission reporting members) are invited to present the draft opinion on the compatibility of the Montenegrin law on referendum with international standards requested from the Venice Commission by the Parliamentary Assembly ([CDL\(2005\)094](#); see [CDL\(2005\)076](#) and [CDL\(2005\)096](#)), with a view to its adoption.

## **6. « The former Yugoslav Republic of Macedonia » (I)**

The authorities of “the former Yugoslav Republic of Macedonia” requested the Venice Commission to give an opinion on the draft revision of the electoral legislation. A draft opinion should be submitted to the Council at its next meeting (March 2006).

## **7. Ukraine**

The Ukrainian authorities requested the Venice Commission to give an opinion on the law on the election of peoples’ deputies of Ukraine ([CDL-EL\(2005\)021](#), as amended on 7 July 2005, [CDL-EL\(2005\)054](#)) as well as on the law on the state register of voters in Ukraine ([CDL-EL\(2005\)022](#)).

Mr Sanchez Navarro is invited to present the draft consolidated opinions on these two laws ([CDL-EL\(2005\)055](#) and [CDL-EL\(2005\)056](#)).

Requests for opinion should also be received from the Ukrainian authorities on :

- the law on Presidential elections
- the law on elections to the Crimean parliament

## **8. Stability of electoral law\*\*\***

The Council is invited to adopt the draft interpretive declaration on the stability of electoral law, revised on the basis of comments made by members at the last two meetings, with a view to forwarding it to the Parliamentary Assembly ([CDL-EL\(2005\)017rev2](#)). As already indicated to members by mail, if there are no written comments this text should be adopted without discussion.

## **9. Participation of political parties in the electoral process**

The Council will be informed about Mr Vogel’s comments on the participation of political parties in the electoral process ([CDL-EL\(2005\)057](#); see comments by Mr Sanchez Navarro [CDL-EL\(2005\)018](#)), and could instruct the Secretariat to prepare a consolidated opinion for the next meeting.

## **10. 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 ([CDL-AD\(2005\)002](#)), 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 ([CDL-AD\(2002\)023rev](#)) 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).

A draft declaration on women's participation in elections was subsequently drawn up based on comments by Mr Luchaire and Ms Suchocka ([CDL-EL\(2005\)031](#)), which the Council is invited to adopt taking in particular into account the comments by CDLR and CDEG.

## **11. International Election Observation (I)**

### *Revised Guide and Revised Explanatory Memorandum*

Following the adoption of the joint form for election observation by the Venice Commission and OSCE/ODIHR ([CDL-AD\(2005\)013](#)), the guide and revised explanatory memorandum on international election observation will be revised by an expert. The Parliamentary Assembly and the Congress of local and regional authorities will at the same time be asked for their comments.

### *New York Conference (27 October 2005)*

The document entitled "declaration on the principles for international election observation and code of practice for international election observers and oath accompanying the code of practice for international election observers" was adopted at the Conference which took place in New York on 27 October 2005. The Venice Commission appears as one of the institutions which has endorsed the text along with in particular the United Nations, the OSCE and other international organisations.

### *OSCE Conference (Moscow 22-23 November 2005)*

The Secretariat of the Congress of local and regional authorities of the Council of Europe participated in a meeting of experts on election observation which took place in Moscow on 22-23 November 2005. Present at this Conference, in particular, were representatives from OSCE/ODIHR, the OSCE Parliamentary Assembly, the European Parliament, the European Commission, the CEI as well as a certain number of non-governmental organisations who are national observers and electoral commissions. The Representative of the Congress presented the methodology of the Council of Europe, in particular the work of the Council for Democratic Elections (see the code of good practice in electoral matters and the guide for the evaluation of elections). The participants agreed, in particular, to exchange information on a regular basis and to ensure a greater co-ordination of international observers, with a view

in particular to guaranteeing the coherence of the conclusions of the different international observers observing the same election.

The representatives from OSCE/ODIHR could give further information on this matter.

## **12. Future activities (I)**

### *Albania*

Messrs Buquicchio and Garrone met the Prime Minister and the president of the Parliament, in Tirana on 18 November to discuss in particular a possible constitutional revision aimed at reforming the election system into a proportional system. The Venice Commission could be requested to co-operate in this revision as well as the revision of the electoral code.

### *Guidelines on referendum*

The secretariat will prepare in co-operation with the reporting members (Messrs van Dijk, Luchaire and Malinverni) draft guidelines on referendum for the next meeting (March 2006).

### *Study on electoral law in Europe*

Mr Krennerich, Venice Commission expert, is currently preparing for the beginning of 2006 a summary report which will take into account the Venice Commission's recent opinions in the electoral field (2004 and 2005), as well as the observation reports from the Parliamentary Assembly, the Congress of Local and Regional authorities of the Council of Europe and the OSCE. The object of this study is to bring to light any problems which may exist in several national legislations.

### *Secrecy of vote during indirect elections*

Mr Chagnollaud in co-operation with the Secretariat should prepare a questionnaire on this matter for the March 2006 meeting.

### *Participation in Parliamentary Assembly observation missions*

The Council will be informed of the results of the observation mission in Azerbaijan.

It is envisaged to take part in the observation missions in Palestine (January) and Ukraine (March).

## **13. Co-operation with OSCE/ODIHR**

An exchange of views will take place with the representative of OSCE/ODIHR on the possibilities of future co-operation.

## **14. Date of the next meeting**

It is proposed to hold the next meeting in the morning of Thursday, 15 March 2006 starting at 9h45.