



Strasbourg, 9 October 2008

CDL-EL-OJ(2008)003ann
Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**26th MEETING OF THE
COUNCIL FOR DEMOCRATIC ELECTIONS**
Venice, 18 October 2008 at 2.30 p.m.

DRAFT ANNOTATED AGENDA

1. Adoption of the agenda

The Council is invited to adopt the agenda as it appears in document CDL-EL-OJ(2008)003ann.

2. Code of good practice for political parties

Further to Parliamentary Assembly Resolution [1546\(2007\)](#) on the Code of good practice for political parties, the Council examined, at its last meeting, a draft code of good practice for political parties ([CDL-EL\(2008\)013rev](#)) as well as its explanatory report ([CDL-EL\(2008\)014](#)). The members of the Commission and the Council who wished to do so made written comments on this document, and a meeting was held in Paris on 24 September 2008 with the rapporteurs. A revised draft was then drawn up ([CDL-EL\(2008\)020](#)) and is submitted to the Council for adoption.

3. Thresholds and other features of the electoral system which bar parties from access to Parliament

Further to the conclusions of the 2007 session of the Forum for the future of Democracy, the Forum's Consultative Committee requested a more in-depth examination of the question of thresholds on parliamentary representation. Mr Jaklic was asked to prepare a comparative report on this issue, which is submitted to the Council for adoption ([CDL-EL2008\)018](#)). This report concerns not only thresholds, but also other features of the electoral system (size of constituencies, majority systems etc) which bar parties from access to Parliament.

4. International status of election observers

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly is preparing a report on "the international status of election observers". In this framework, the Committee asked the Venice Commission to reply to a certain number of questions and to establish which Council of Europe member or observer States foresee election observation in their national legislation. Messrs Valeryi Musin (substitute member, Russia), Angel Sanchez Navarro (substitute member, Spain), Owen Masters (expert, United Kingdom) and Olivier Pohler (expert, France) are acting as rapporteurs on this issue. The Secretariat will inform the Council of the progress of work. A draft report should be submitted to the Council at its December meeting.

5. Imperative mandate

The Secretariat will inform the Council on the progress of work on the study on imperative mandate, drawn up by Mr Closa Montero. A draft report should be submitted to the Council at its December meeting. This study falls in the framework of work concerning the state of human rights and democracy in Europe.

6. Armenia

Two draft opinions on electoral matters in Armenia are submitted to the Council. The first concerns the electoral code as modified following the latest amendments in November 2007. A joint draft opinion by the Venice Commission and OSCE/ODIHR was prepared on the basis of comments by Mr Kåre Volla (Venice Commission expert) and Ms Karen Gainer (OSCE/ODIHR expert) ([CDL\(2008\)081](#); see also document [CDL\(2008\)083](#)). This opinion is a follow-up to the joint opinion on the amendments to the electoral code ([CDL-AD\(2007\)013](#)) and to the Presidential and Parliamentary elections of February and May 2008 respectively.

The other draft opinion is a follow-up to a request from the Human Rights Defender of Armenia and concerns the issue of the immunity of persons involved in the electoral process, in particular members of Electoral Commissions and candidates. This draft opinion ([CDL\(2008\)093](#)) was drawn up on the basis of comments by Messrs Mifsud Bonnici ([CDL\(2008\)111](#)) and Tuori ([CDL\(2008\)112](#)).

The two draft opinions concerning Armenia should be dealt with at the Venice Commission's Plenary Session.

7. Georgia

A draft joint opinion by the Venice Commission and OSCE/ODIHR on the electoral code of Georgia in its version dated 21 March 2008 will be submitted to the Council for adoption ([CDL-EL\(2008\)017](#); cf. [CDL-EL\(2008\)016](#)). This draft opinion, drawn up on the basis of comments by Mr Jaklic (Commission member, Slovenia), Ms Maria Teresa Mauro (Venice Commission expert) and Ms Marla Morry (OSCE/ODIHR expert), is a follow-up to the opinion on the code as amended on 24 July 2006 ([CDL-AD\(2006\)037](#)) and to the Presidential and Parliamentary elections of January and May 2008.

8. Moldova

Following a request from the Moldovan authorities, the Venice Commission and OSCE/ODIHR prepared a draft joint opinion on the electoral code of Moldova as amended by law N° 76-XVI of 10 April 2008 ([CDL\(2008\)094](#); see also document [CDL\(2008\)082](#)). This draft is based on the comments of Messrs Srdjan Darmanovic (Commission member, Montenegro), Kåre Vollan (Venice Commission expert) and Tigran Karapetyan (OSCE/ODIHR expert).

This draft opinion should be dealt with at the Venice Commission's Plenary Session.

9. Mexico

Mrs Maria del Carmen Alanis Figueroa, Chief Magistrate, Federal Electoral Court as well as Messrs Francisco Guerrero, Councillor of the Federal Electoral Institute of Mexico (IFE), and Manuel Carrillo, Head of the IFE International Relations Department, will inform the Council on recent developments in electoral matters in Mexico.

10. Lessons to be drawn from recent elections

Following his participation in election observation missions in Armenia, Georgia, "the former Yugoslav Republic of Macedonia", the Russian Federation and Serbia Mr Gross will make proposals for lessons which could be drawn from events which occurred before, during or after the above-mentioned elections. The Council could hold an exchange of views on possible improvements.

11. Other developments and future activities

The Secretariat will inform the Council on work concerning the state of human rights and democracy in Europe (follow-up to Parliamentary Assembly Recommendation [1791\(2007\)](#)) on the issues of good governance and procedures for amending Constitutions. The question of thresholds and other features of the electoral system which bar parties from access to Parliament as well as of imperative mandate will be dealt with under items 3 and 5 above.

12. Co-operation with OSCE/ODIHR

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

13. Date of the next meeting

It is proposed to hold the next meeting on Thursday, 11 December 2008 at 10 am.