



Strasbourg, 26 February 2009

CDL-EL-OJ(2009)001ann
Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**28th MEETING OF
THE COUNCIL FOR DEMOCRATIC ELECTIONS**

Venice, 14 March 2009 at 2 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(2009)001ann.

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 followed by the Plenary Commission adopted the Code of good practice for political parties ([CDL-AD\(2009\)002](#)). At its December 2008 meeting, the Council adopted the draft explanatory report to this Code. The draft explanatory report ([CDL-EL\(2008\)027](#)) was therefore submitted to the Commission's Plenary Session for adoption.

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

Following the adoption of the report on thresholds and other features of the electoral system which bar parties from access to Parliament ([CDL-AD\(2008\)037](#)) by the Commission at its last session, Mr Colliard agreed to prepare the second part of the report, aimed at a solid and in-depth evaluation of the prevailing situation across member States. A draft report should be submitted to the Council at its June 2009 meeting.

4. International status of election observers

On the basis of individual comments by Messrs Sanchez Navarro, Musin, Masters and Pohler, the Secretariat prepared two documents concerning the international status of election observers. The first document ([CDL\(2009\)013](#)) is an inventory of a situation in domestic and international law in Europe. This document was submitted to the Commission's Plenary Session. A second document ([CDL-EL\(2009\)006](#)) first summarises the recommendations emanating from election observation missions. This document will be completed on this point by references to the reports from the Parliamentary Assembly of the Council of Europe. It also above all contains draft recommendations on the international status of election observers, which the Council is invited to examine, taking into account the document which was drawn up in particular by the United Nations Electoral Assistance Division on this issue and endorsed by the Commission ([CDL-AD\(2005\)036](#)).

5. Imperative mandate

Further to Parliamentary Assembly Recommendation [1791\(2007\)](#) on the state of human rights and democracy in Europe, the Commission decided to draw up a study on the imperative mandate. Mr Closa Montero prepared a report on the question ([CDL-EL\(2009\)005](#)), which is submitted to the Council for adoption.

6. Women's participation in elections

At the request of the Committee on equal opportunities for women and men of the Parliamentary Assembly the Commission charged an expert, Mr Krennerich, to prepare a report on the impact of electoral systems on women's representation in politics ([CDL-EL\(2009\)004](#)). This report is presented to the Council for adoption.

7. Cancellation of election results

Following the UniDem Seminar which took place in Malta in November 2008, Commission members from States which did not participate in the Conference are reminded to reply to the

questionnaire ([CDL-EL\(2007\)043rev](#)) as soon as possible, to enable the comparative study on this question to be submitted to the Commission at one of its forthcoming Plenary Sessions.

8. Albania

The Venice Commission and OSCE/ODIHR prepared a draft joint opinion on the electoral law of Albania, on the basis of comments by Messrs Kask and Pilgrim. This opinion was submitted to the Commission's Plenary Session for adoption ([CDL\(2009\)012](#); cf. [CDL\(2009\)005](#)).

9. “The former Yugoslav Republic of Macedonia”

A draft joint opinion by the Venice Commission and OSCE/ODIHR on the electoral law of “the former Yugoslav Republic of Macedonia” will be presented to the Council at its next meeting.

10. Ukraine

Following a request from the Ministry of Foreign Affairs of Ukraine, an opinion on the draft law amending the law on the election of people's Deputies of Ukraine was drawn up on the basis of comments by Ms Nussberger and Mr Paczolay ([CDL\(2009\)021](#); cf. [CDL\(2009\)016](#)). This opinion was submitted to the Commission for adoption.

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.

The Secretariat will inform the Council on the preparation of the Forum for the Future of Democracy, which will take place in Kyiv on 21-23 October 2009, on the theme of electoral systems.

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. A joint opinion on the electoral law of Belarus could be prepared.

13. Date of the next meeting

It is proposed to hold the next meeting on Thursday, 11 June at 10 a.m.