



Strasbourg, 27 May 2009

CDL-EL-OJ(2009)002ann  
Or. Fr.

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

**29<sup>th</sup> MEETING  
OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**

**Venice, 11 June 2009 at 10 a.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)002ann.

## **2. Imperative mandate**

At its last meeting the Council adopted the report on the imperative mandate ([CDL\(2009\)057](#)). Before submitting it to the Plenary Session, the Council could re-examine this report on the basis of proposals for amendment from Mr Haruntunian.

## **3. International status of election observers**

At its last meeting the Secretariat informed the Council that, following a request from the Parliamentary Assembly of the Council of Europe, two documents had been drawn up on this question, on the basis of individual comments by Messrs Sanchez Navarro, Musin, Masters and Pohler. A first document which contains an inventory of a situation in domestic and international law in Europe was submitted to the Commission's Plenary Session (cf. [CDL-AD\(2009\)020rev](#)). The second document first summarised the recommendations emanating from election observation missions, before drawing up guidelines on an internationally recognised status of election observers; this document has now been split into two parts. The draft summary of recommendations on an internationally recognised status of election observers ([CDL\(2009\)058](#)) is submitted for adoption. The draft guidelines will be submitted to the international organisations concerned for consultation; the Secretariat will inform the Council on progress of work on this question, which should conclude at the October session.

## **4. 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. Mr Colliard is invited to inform the Council on progress of work.

## **5. Media monitoring during election observation missions**

The Council for Democratic Election and the Venice Commission already adopted guidelines on media analysis during election observation missions ([CDL-AD\(2005\)032](#)), in co-operation with the Directorate General of Human Rights of the Council of Europe, OSCE/ODIHR and the European Commission. The Council is invited to examine with a view to adoption a summary of this document ([CDL-EL\(2009\)009](#)).

## **6. "The former Yugoslav Republic of Macedonia"**

Following the amendments adopted on 29 October 2008 (see revised electoral Code [CDL\(2009\)006](#)), a joint opinion by the Venice Commission and OSCE/ODIHR on the electoral law of "the former Yugoslav Republic of Macedonia" was drawn up on the basis of comments by Mr Kask, Ms Mauro and Mr Vollan (experts, Venice Commission) as well as Mr Ullom (expert, OSCE/ODIHR). This opinion is submitted to the Council for adoption ([CDL-EL\(2009\)007](#)).

## **7. Ukraine**

Further to the opinion on the draft law on election to the Verkhovna Rada of Ukraine adopted at the last session ([CDL-AD\(2009\)019](#); cf. [CDL\(2009\)016](#)), the Ukrainian Parliament requested an opinion on a further draft revision of this law (draft law N° 3366 of 13 November 2008, [\(CDL\(2009\)084\)](#)). The Council is invited to adopt the draft joint opinion with OSCE/ODIHR on this draft law ([CDL-EL\(2009\)008](#)), prepared on the basis of comments by Mr Closa Montero and Mr Pilgrim (expert, OSCE/ODIHR).

The Secretariat will inform the Council on activities planned in the framework of the preparation of the forthcoming Presidential elections (scheduled for January 2010).

## **8. 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 the imperative mandate as well as thresholds and other features of the electoral system which bar parties from access to Parliament will be dealt with under items 2 and 4 above.

The Secretariat will inform the Council on:

- participation in Parliamentary Assembly election observation missions in “the former Yugoslav Republic of Macedonia” (March 2009) and Moldova (April 2009) as well as assistance to the Central Election Commission of Moldova;
- the Conference on controlling electoral processes, co-organised by the Venice Commission and the Centre for Political and Constitutional Studies, which took place in Madrid on 24-25 April 2009 (see document [CDL-UD\(2009\)003syn](#));
- the preparation of the Forum for the future of democracy, scheduled to take place in Kyiv on 21-23 October 2009, on the theme “electoral systems”;
- the preparation of the 6<sup>th</sup> Conference of Electoral Management Bodies (The Hague, 30 November-1 December 2009).

Mr Gross will inform the Council on the progress of work concerning the report on the evaluation of the quality of elections, which should be presented to the Council at its October 2009 meeting.

The Council could decide to launch a study on detecting certain anomalies in the electoral process on the basis of mathematical models.

The study on the cancellation of election results should be presented to the October meeting, on the basis of a report by Mr Kask.

Members are invited to make proposals for future activities.

## **9. 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.

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

It is proposed to hold the next meeting on Thursday, 8 October 2009 at 10 a.m.