



Strasbourg, 18 March 2003

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

4th MEETING
OF THE COUNCIL FOR DEMOCRATIC ELECTIONS
(Venice, 13 March 2003)

MEETING REPORT

1. Code of Good Practice in Electoral Matters

The Chair announced that the Parliamentary Assembly had adopted Resolution 1320 (2003) and Recommendation 1595 (2003), both concerning the Code of Good Practice in Electoral Matters (CDL-AD (2002) 23; see Doc 9682), at its January 2003 session. These documents gave the Code of Good Practice, which had already been adopted by the Council for Democratic Elections and the Venice Commission, official status at Parliamentary Assembly level. In the resolution (para 11), the Parliamentary Assembly called on the Venice Commission “to set the activities of the Council for Democratic Elections on a permanent footing and consider the council one of its own bodies, while maintaining its current form of mixed membership”, to implement its aims and to continue its activities, in particular with a view to setting up a database on electoral matters, formulating opinions on electoral matters in co-operation with the Assembly and drafting a questionnaire setting out in a practical form the general principles of the Code of Good Practice in Electoral Matters (see 2 below). For its part, the recommendation called on the Committee of Ministers to transform the Code of Good Practice in Electoral Matters into a European convention.

The Code of Good Practice in Electoral Matters was to be debated at a CLRAE meeting on 20 March 2003. The draft resolution and draft recommendation proposed basically picked up the themes already covered by the Parliamentary Assembly.

The Secretariat announced that the Parliamentary Assembly had already circulated the Code of Good Practice to the national delegations, national parliaments, the presidents of the European Parliament, the European Commission, the Parliamentary Assemblies of the OSCE, the WEU and the CIS and the President of the ACEEEO. A document was being prepared in the “Science and technique of democracy” series. The text was to be distributed to the members of the Venice Commission, the Parliamentary Assembly, the CLRAE and electoral commissions, as well as interior ministries, foreign ministries, international organisations such as the UN and, possibly also, the recipients of the first edition. The Integrated Project on democratic institutions would provide funding of € 1 000 for the publication.

The text had already been translated into Russian and would be available very shortly in Azeri, Albanian and Serbian, with an Armenian version due to follow.

The Secretariat said that, in Decision 509 of 5 December 2002, the Permanent Council of the OSCE had approved the initiative by the ODIHR to develop a practical guide to democratic elections best practice and asked the ODIHR to further develop the project and report back to the Permanent Council on the matter by 30 June 2003. The Secretariat of the Venice Commission had been closely involved in the project, in particular at two meetings held in Warsaw on 17 September 2002 and Vienna on 30 and 31 January 2003. It would also take part in the next two meetings, due to be held on 27 and 28 March (in Vienna) and in May or June (probably in Strasbourg).

Mr Buquicchio stressed the need to avoid any divergence between the various standards drawn up at international level.

2. Questionnaire on the observation of elections

The Chair thanked Mr Casagrande (CLRAE expert) for drawing up the questionnaire on the observation of elections (CDL-EL (2003) 1). The document was praised by the Council, which made a number of comments. The title of “guide on the assessment of elections” was adopted. Mr Casagrande underlined the usefulness of the document, which was not confined solely to legislation, but also covered the issue of its implementation. The latter actually often left much to be desired, for reasons such as ignorance of the law, bad faith or traditions like family voting. The document dealt not only with polling days themselves, but also with what happened before and afterwards.

Mr Kingsley emphasised that observers should be asked not to make individual statements to the media before the final declarations, which provided an overall picture.

The participants made a number of comments. It was agreed that Mr Casagrande would take them into account in preparing a revised version of his text for the beginning of April, which would be submitted to the members and participants for their comments with a view to its adoption at the next meeting.

3. Database

The Secretariat announced that the next stages in preparing a database on electoral matters would be as follows:

1. Preparation of a thesaurus and experimental indexing;
2. Continued contacts with the ODIHR to determine what kind of co-operation was possible in view of the choice of the thesaurus and the technical constraints;
3. A possible joint funding request.

The matter would have to be discussed in greater detail at the next meeting.

4. E-voting

The Chair reported on the first meeting of the Multidisciplinary Ad Hoc Group of Specialists on legal, operational and technical standards for e-enabled voting, which had been held in Strasbourg on 27 and 28 February 2003 (cf document IP1 (2003) 3). The group’s work should lead to the drafting of a recommendation by the Committee of Ministers in May 2004, taking significant account of the Code of Good Practice in Electoral Matters. Two groups of specialists had been set up within the Ad Hoc Group, ie a group on technical standards and a group on legal and operational standards (IP1 (2003) 8 and 9). Mr Remmert underlined that the Council for Democratic Elections had observer status on the three groups and there was specific provision for the possibility of exchanges of views between the group of specialists on legal and operational standards and the Council for Democratic Elections (IP1 (2003) 9, point 6).

The groups of specialists would hold their next meetings in Strasbourg on 10 and 11 April 2003, while the Ad Hoc Group would hold its next meeting on 18 and 19 September 2003, also in Strasbourg.

The Council for Democratic Elections appointed Mr Clerfayt and Mr Micallef to represent it on the Multidisciplinary Ad Hoc Group of Specialists on legal, operational and technical standards for e-enabled voting, and on the group of specialists on legal and operational standards.

Mr Remmert said that more information was available on the Integrated Project's web site (<http://www.coe.int/democracy>).

5. Future activities

The Council selected the following among possible future activities:

- the conclusions to be drawn from the election observation reports (concerning a given state or in general). The Chair pointed out that specific identification of the documents on electoral matters on the Parliamentary Assembly and CLRAE web sites - as was already the case at the Venice Commission - would be very useful in this respect. Mr Priore pointed out that work to this end was already under way within the CLRAE Secretariat. As far as the Assembly site was concerned, Mr Clerfayt would write to the Secretary General of the Parliamentary Assembly to this effect;
- general discussions on electoral systems.

6. Other business

Mr Garrone announced that a conference of European electoral authorities was due to be held in Strasbourg at the beginning of 2004, in co-operation between the French Interior Ministry and the Council for Democratic Elections.

Mr Buquicchio proposed that a training campus on electoral matters be set up, along the lines of what was done in Trieste for authorities from south-eastern Europe (trainer training). Such a campus could initially be set up for the countries in the Caucasus and could then be extended to other countries. He asked whether members had any proposals regarding particular centres or individuals who could help here. Mr Casagrande indicated that he was willing to become involved.

The Secretariat announced that a UniDem seminar on democracy by referendum was due to be held in Moscow at the beginning of October 2003.

It was provisionally agreed that the next meeting would be held in Venice on Wednesday 11 June (afternoon) or Thursday 12 June 2003 (morning).

LIST OF PARTICIPANTS

Venice Commission

Mr François Luchaire
Mr Gérard-A Beaudoin

Secretariat

Mr Gianni Buquicchio
Mr Pierre Garrone
Mr Serguei Kouznetsov

Parliamentary Assembly

Mr Georges Clerfayt
Mr Erik Jurgens

Secretariat

Ms Catherine Entzminger

CLRAE

Mr Claude Casagrande

Secretariat

Mr Riccardo Priore

Integrated Project

Mr Michael Remmert

OSCE Parliamentary Assembly

Mr Giovanni Kessler

Elections Canada

Mr Jean-Pierre Kingsley
Ms Diane R Davidson