



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 2 November 2004

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**10th MEETING
OF THE COUNCIL FOR
DEMOCRATIC ELECTIONS**

(Venice, 9 October 2004 at 2 p.m.)

MEETING REPORT

1. Adoption of the agenda

The Council adopted the agenda as it appears in document CDL-EL-OJ(2004)003ann.

2. Media monitoring during election observation missions

Ms Herdis Thorgeirsdottir and Mr Masters presented their comments on media monitoring during election observation missions ([CDL-EL\(2004\)012](#) and [013](#)). Mr Vulchanov, deputy head of the elections department of OSCE/ODIHR, indicated that ODIHR agreed to the drawing up of a joint text by the two organisations. A revised version of the document entitled “guidelines on media monitoring during election observation missions”, which should take into account the comments by Ms Herdis Thorgeirsdottir and Mr Masters will be prepared by OSCE/ODIHR. Following this, the final step would be the drawing up of joint brief guidelines by the Council of Europe and OSCE/ODIHR.

The Council for Democratic Elections adopted the comments on media monitoring during election observation missions (CD-El(2004)012 and 013).

3. Forms for election observation

Mr Martin Micallef presented the draft simplified version of the election observation forms prepared by Mr Casagrande, and the comments provided by Mr Owen on this draft ([CDL-EL\(2004\)014](#) and [015](#) ; cf. [CDL-EL\(2004\)019](#) and [CDL-AD\(2003\)010](#)). Mr Casagrande will be invited to modify the simplified forms taking into account both Mr Owen’s comments and those made during the meeting. Once the final version has been adopted, the Secretariat will contact the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, with a view to using the simplified forms during future electoral observation missions.

The Council for Democratic Elections adopted the draft simplified version of the election observation forms prepared by Mr Casagrande (CDL-El(2004)014) with reservation to the comments made by Mr Owen (CDL-EL(2004)014) on the one hand, and those made by members of the Council on the other hand.

4. Electoral rules and affirmative action for national minorities

Ms Lazarova Trajkovska presented her report on electoral rules and affirmative action for national minorities ([CDL-EL\(2004\)020](#)). The Secretariat will contact members of the Venice Commission and the Forum of Minorities to ensure that there are no omissions in the report. Contacts with the Forum of Minorities will enable a proposal for follow-up to this report to be drawn up.

The Council for Democratic Elections adopted the preliminary report on electoral rules and affirmative action for national minorities, drawn up by Ms Lazarova Trajkovska (CDL-EL(2004)020).

5. Revision of the Armenian Electoral Code

Mr Annus presented the draft joint opinion of the Venice Commission and OSCE/ODIHR on the draft amendments to the electoral Code of Armenia, on the basis of comments by Mr Pilgrim and himself ([CDL-EL\(2004\)016](#)). Mr Martin-Micallef presented recent amendments by OSCE/ODIHR, following a visit by the two organisations to Armenia. These modifications were retained. A revised opinion should be drawn up once the draft revised modifications have been sent out by the Armenian authorities.

The Council for Democratic Elections adopted the draft joint opinion of the Venice Commission and OSCE/ODIHR on the draft amendments to the electoral Code of Armenia taking into account the modifications made by OSCE/ODIHR ([CDL-EL\(2004\)016](#)), and instructed the Secretariat to forward it to the Armenian authorities.

6. “Vota” database

Mr Martin-Micallef informed the Council about progress on the “vota” database. The database has been installed in the Venice Commission offices and the electoral laws are currently being integrated and indexed according to the systematic thesaurus adopted by the Council. Mr Martin Micallef informed that some refinements could be discussed at the December meeting on the basis of the Secretariat’s experience of indexation.

7. Co-operation with other organisations

Ms Dezsö informed the Council about the annual ACEEEO conference, held in Tirana on 9-11 September 2004. The main part of the discussions was devoted to participation in elections, in particular the participation of new voters. The speeches concerned both national experiences as well as work of a comparative nature. The reports on national experience emphasised research on the causes of absenteeism, in particular that of young voters and measures being taken to thwart it, such as information campaigns specifically aimed at the young, with a view to emphasising the importance of voting as well as developing new voting methods (e-voting).

The Secretariat informed the Council about the meeting on election support held in Brussels on 28-29 September 2004, and which in particular dealt with the question of principles for international election observation.

At the invitation of the European Commission, a member of the Venice Commission secretariat had taken part in the work of the above-mentioned meeting. More than 150 representatives of international organisations (such as the European Union, OSCE/ODIHR, UN), NGOs (in particular International IDEA, National Democratic Institute, the Carter Center) and member States of the European Union took part in this event. The aim of the activity was to evaluate the different observation missions, the programmes of electoral assistance undertaken by the European Union and other organisations and to define future strategies in this field.

During the afternoon of 29 September, a restricted meeting was organised by the European Commission, the United Nations Election Assistance Division (UNEAD) and NDI to discuss the draft guidelines on election observation. This initiative group expressed the wish that a large number of organisations involved in the electoral field (including the Venice Commission) be implicated in this project with a view to examining and, if possible, adopting draft joint guidelines at a future meeting to take place in January/February 2005. It is envisaged that this meeting take place at the UN Offices in New York.

The Venice Commission was invited by the Initiative Group on standards in election observation (UNEAD) to examine the draft standards on election observation with a view to participating in this initiative.

The Council for Democratic Elections agreed to examine the draft standards on election observation, and that a member of the Council for Democratic Elections or of the Venice Commission should take part in the initiative group on standards in election observation.

8. Future activities

- *Venice Commission participation in electoral observation missions in accordance with Item 15 of the agreement concluded with the Parliamentary Assembly of the Council of Europe*

The Secretariat informed the Council for Democratic Elections that Ukraine should be the first country concerned under the terms of the agreement. A member of the Venice Commission and a member of the Secretariat would go to Ukraine for the first round of the Presidential elections to be held on 31 October 2004; the member will assist the Parliamentary Assembly delegation from a legal point of view. A similar visit would be desirable in the case of a possible second round of the election which would take place on 21 November.

Further assistance missions envisaged are the local election in Azerbaijan in December 2004 as well as to Moldova, Albania, Kyrgyzstan in 2005, on the condition that the Parliamentary Assembly organises election observations missions to these countries.

Mr Micallef informed the Council that the Congress of Local and Regional Authorities of the Council of Europe will, in the next few months, observe the parliamentary elections in Kosovo (23 October 2004), the referendum in “the former Yugoslav Republic of Macedonia” (7 November 2004) and the municipal elections in Azerbaijan (17 December 2004).

- *Recommendations on the electoral law and the electoral administration*

In addition to the above-mentioned countries, it was proposed that recommendations on the electoral law and the electoral administration be drawn up for Bosnia and Herzegovina (municipal elections were held on 2 October 2004) and for Serbia and Montenegro. The Council for Democratic Elections is expecting a draft from ODIHR in the near future.

- *Other activities*

Restrictions on the right to vote

A draft report on the subject of restrictions on the right to vote prepared by Ms Lazarova Trajkovska at the request of the Parliamentary Assembly of the Council of Europe should be discussed in December.

Proposition of a subject for a study

Mr Micallef proposed a study on the role of locally elected representatives at the electoral period during national elections.

9. Date of the next meeting

It is recalled that the next meeting has been fixed for the afternoon of Thursday, 2 December 2004.

LIST OF PARTICIPANTS

Venice Commission

Members

Ms Mirjana LAZAROVA TRAJKOVSKA, Judge, Constitutional Court, Skopje
Mr François LUCHAIRE, Ancien Magistrat du Tribunal constitutionnel d'Andorre, Paris
Mr Ugo MIFSUD BONNICI, President Emeritus, La Valletta
Mr Hjörtur TORFASON, Former Judge of the Supreme Court of Iceland, Reykjavik

Substitute Members

Mr Christoph GRABENWARTER, Professor of Public Law, University of Graz, Graz (apologised)
Mr Alain LANCELOT, FNSP, Paris (apologised)
Mr Peter PACZOLAY, Deputy Head, Office of the President of the Republic, Budapest
Mr Ángel SÁNCHEZ NAVARRO, SubDirector, Centre for Political and Constitutional Studies, Madrid

Secretariat

Mr Gianni BUQUICCHIO
Mr Thomas MARKERT
Mr Gaël MARTIN-MICALLEF

Parliamentary Assembly

Mr Erik JURGENS, Member of the Parliamentary Assembly, Amsterdam
Ms Hanne SEVERINSEN, Member of PACE, Copenhagen (apologised)
Mr Luc VAN DEN BRANDE, Senator, Bruxelles

Secretariat

Mrs Caroline RAVAUD

Congress of Local and Regional Authorities of the Council of Europe (CLRAE)

Mr Ian MICALLEF, Chamber of Local Authorities
Mr Owen MASTERS, Chamber of Regions, Council of Europe Secretariat Office in Kosovo, Pristina

Secretariat

Mr Riccardo PRIORE

Integrated Project

Mr Michael REMMERT (apologised)

Observers

OSCE/BIDDH

Mr Gerald MITCHELL, Head of Election Section (apologised)
Mr Nikolai VULCHANOV, Deputy Head of the Election Section
Mr Denis PETIT, Head of the Legislative Support Unit
Mr Gilles SAPHY, Election Adviser

Association of Central & Eastern European Election Officials (ACEEEO)

Mrs Marta DEZSÖ, Election Law Expert, Director of the ACEEEO, Documentation Centre,
Budapest