



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 30 March 2005

Restricted  
CDL-EL-PV(2005)001  
Or. fr.

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

**12<sup>th</sup> MEETING  
OF THE COUNCIL FOR DEMOCRATIC ELECTIONS  
(Venice, 10 March 2005 at 9.00 a.m.)**

**MEETING REPORT**

## **1. Adoption of the agenda**

The Council adopted the agenda as it appears in document CDL-EL-OJ(2005)001ann.

## **2. Electoral rules and affirmative action for national minorities**

The Council examined the revised version of the report on electoral rules and affirmative action for national minorities, drawn up by Ms Lazarova Trajkovska (CDL-EL(2004)020rev2). This version takes into account comments made by members of the Council for Democratic Elections, the Venice Commission and the Forum of Minorities.

**The Council adopted the report on electoral rules and affirmative action for national minorities (CDL-EL(2004)020rev2), with some modifications.**

## **3. Revision of the Armenian Electoral Code**

Mr Hjörtur Torfason presented the joint opinion by the Venice Commission and OSCE/ODIHR on the revised draft amendments to the Armenian Electoral Code (CDL-EL(2005)006; see document CDL(2005)008). The Council decided to adopt this text as a preliminary opinion, as it was drawn up based on a law which is still being revised.

Mr Vulchanov and the Secretariat informed the Council of the visit of a joint delegation from the two organisations to Armenia on 3-4 March 2005. During this visit, the authorities declared themselves ready to follow the opinion of the two organisations and proposals for modification of the law were discussed. In general, there was a consensus with the opposition, but not on the composition of the Electoral Commissions. It was agreed to wait for a revised draft text before opinion.

**The Council adopted the preliminary joint opinion by the Venice Commission and OSCE/ODIHR on the revised draft amendments to the Armenian Electoral Code (CDL-EL(2005)006), with some modifications.**

## **4. Azerbaijan**

The Secretariat informed the Council about a meeting, which took place in Strasbourg on 1 March 2005 concerning the revision of the Electoral Code of Azerbaijan, between representatives of the Venice Commission and OSCE/ODIHR on the one hand, and the Azeri authorities on the other hand. The Azeri authorities are now ready to revise the Electoral Code which is a positive point, however, it should be emphasised that all the recommendations made by the two organisations will not be followed, in particular those concerning electoral commissions. The Venice Commission Secretariat should receive a revised version of the Electoral Code for opinion during March.

Mr Micallef summarised the latest observation report of the Congress of Local and Regional Authorities of the Council of Europe concerning Azerbaijan (see document CG/Bur(11)95).

## **5. Questionnaires on election observation**

The Secretariat informed the Council on progress of work concerning the questionnaires on election observation (see document CDL-EL(2004)014rev2). The questionnaire had been tested during observation missions of the Parliamentary Assembly of the Council of Europe in Ukraine and Moldova and by the Congress of Local and Regional Authorities of the Council of Europe in Moldova. Several members made proposals for amendment. These will be taken into account in the revised version, which will be reworked in co-operation with OSCE/ODIHR with a view to drawing up a joint basic questionnaire which should be submitted to the Council for Democratic Elections at its next meeting.

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

The Secretariat informed the Council that, following the adoption of reports by Ms Herdis Thorgeirdottir and Mr Masters by the Venice Commission at its last session (CDL-AD(2004)047), the Directorate of Human Rights of the Council of Europe submitted draft amendments to the document on media monitoring during election observation missions to OSCE/ODIHR, with a view to the adoption of a joint document drawn up by OSCE/ODIHR, the European Commission and the Council of Europe. Mr Olszewski indicated that a revised document will be sent to the Council of Europe and to the European Commission for any final comments; a final version could then be adopted by the Council at its June 2005 meeting.

## **7. Bosnia and Herzegovina**

Mr Garrone informed the Council on work concerning the revision of the electoral law of Bosnia and Herzegovina. A delegation from the Venice Commission and OSCE/ODIHR had visited Sarajevo on 21-23 February 2005. It met representatives from the international community and held working meetings on the revision of the electoral law with the Central Electoral Commission; those members of Parliament, who had been invited, did not participate in the meetings. A constitutional revision, which would reduce the ethnic criteria, is necessary to ensure full conformity of the electoral legislation with the standards of the European electoral heritage. The Venice Commission, jointly with OSCE/ODIHR, could be requested to consider the draft revision of the Electoral law.

## **8. Moldova**

The Secretariat informed the Council of the Venice Commission's legal assistance to the delegation of the Parliamentary Assembly of the Council of Europe which observed the parliamentary elections in Moldova on 6 March 2005. The Venice Commission could be requested to consider the draft amendments to the Electoral Code.

## **9. Palestine National Authority**

The Secretariat informed the Council about the Venice Commission's participation in the observation of the Palestine National Authority elections (see document CDL-EL(2005)007).

## **10. Participation of political parties in the electoral process**

The Secretariat informed the Council that Messrs Sanchez Navarro and Vogel had been nominated reporting members on the participation of political parties in the electoral process (see document CDL-EL(2004)024, which had been discussed at the Council's previous meeting).

## **11. European conference of electoral management bodies**

Mr Hjörtur Torfason informed the Council on the 2<sup>nd</sup> Conference of electoral management bodies, which took place in Strasbourg on 10-11 February 2005 (see document CDL-EL(2005)001syn). This Conference which was attended by representatives from numerous European States, as well as Mexico, the European Commission and international organisations (OSCE/ODIHR, ACEEEO, IDEA, IFES) was devoted above all to electoral participation and the impact of new technologies. Among the Conference's conclusions, it should be underlined that the Venice Commission was requested to organise annual meetings of electoral management bodies with the participating countries.

## **12. Study on Referendum**

The Secretariat informed that a draft report should be submitted to the Council at its next meeting.

## **13. Future activities**

- *Opinions and recommendations on electoral law*

Opinions or recommendations could be drawn up for :

- Serbia and Montenegro (OSCE/ODIHR will prepare a first draft): Mr Olszewski informed that co-operation should be possible with Serbia concerning the reform of the electoral legislation as well as on training activities;
- Georgia ;
- Ukraine;
- Kosovo: Mr Masters informed the Council that a seminar on the revision of the electoral legislation was being organised in the next few weeks; following this, should a draft revision be drawn up, the Council and the Venice Commission could be invited to make comments on it.

These recommendations should in principle be drawn up in co-operation with OSCE/ODIHR.

- *Venice Commission participation in election observation missions in accordance with item 15 of the agreement with the Parliamentary Assembly of the Council of Europe*

Forthcoming assistance missions should take place in Albania (June), Palestine (July) Azerbaijan (November).

- *Cancellation of elections*

Mr Annus, Estonian member of the Venice Commission, had suggested working on the cancellation of elections. The Council showed its interest in this idea. The Secretariat should contact Mr Annus with a view to discussing how to proceed on this matter.

- *Other questions*

Mr van der Brande suggested studying the following questions :

- the necessity to renew the parliament before any constitutional revision
- the possibility for the Prime Minister to bring elections forward.

The Secretariat informed the Council that the Committee of Ministers could request it to draw up a Charter on electoral equality.

**14. Co-operation with OSCE/ODIHR**

**The Council authorised the Secretariat to publish draft joint opinions with OSCE/ODIHR on the Venice Commission's public web site.**

These draft joint opinions will also be published on OSCE/ODIHR's public Internet site.

**15. Date of the next meeting**

The next meeting will be held on Thursday, 9 June 2005 in the morning.

**LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS****Commission de Venise / Venice Commission**Membres / Members

Mrs Mirjana LAZAROVA TRAJKOVSKA, Judge, Constitutional Court, Skopje  
excusée/apologised

M. François LUCHAIRE, Ancien Magistrat du Tribunal constitutionnel d'Andorre, Paris

Mr Ugo MIFSUD-BONNICI, President Emeritus, La Valletta excusé/apologised

Mr Hjörtur TORFASON, Former Judge of the Supreme Court of Iceland, Reykjavik

Membres suppléants / Substitute Members

Mr Christoph GRABENWARTER, Professor of Public Law, University of Graz, Graz  
excusé/apologised

M. Alain LANCELOT, FNSP, Paris excusé/apologised

Mr Peter PACZOLAY, Deputy Head, Office of the President of the Republic, Budapest

excusé/apologised

Mr Ángel SÁNCHEZ NAVARRO, Professor of Constitutional Law, Complutense University, Madrid

Secrétariat / Secretariat

M. Gianni BUQUICCHIO

M. Thomas MARKERT

M. Pierre GARRONE

**Assemblée parlementaire / Parliamentary Assembly**Membres / Members

M. Erik JURGENS, Membre de l'Assemblée parlementaire, Amsterdam, Commission juridique,

**Président/Chairman**

Mme Josette DURRIEU, Sénat, Paris, Commission politique

M. Luc VAN DEN BRANDE, Sénateur, Bruxelles, Commission de suivi

Secrétariat / Secretariat

M. Guenter SCHIRMER

**Congrès des Pouvoirs Locaux et Régionaux du Conseil de l'Europe (CPLRE) /  
Congress of Local and Regional Authorities of the Council of Europe (CLRAE)**Membres / Members

Mr Ian MICALLEF, Malte, Chambre des pouvoirs locaux

Mr Owen MASTERS, Devon County Council, Kingsbridge, Chambre des régions

Secrétariat / Secretariat

Mme Pilar MORALES

**Observateurs / Observers**

**OSCE**

**BIDDHR/ODIHR**

Mr Nikolai VULCHANOV, Deputy Head of the Election Section, Warsaw

Mr Konrad OLSZEWSKI, Election Adviser, Warsaw

**Haut Commissaire pour les minorités nationales /High Commissioner for National Minorities**

Ms Dzenana HADZIOMEROVIC, Legal Adviser, Warsaw

**Association of Central & Eastern European Election Officials (ACEEEO)**

Mme Marta DEZSÖ, Election Law Expert, Director of the ACEEEO Documentation Centre,  
Budapest excusée/apologised