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

**13<sup>th</sup> MEETING**  
**OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**  
**(Venice, 9 June 2005 at 9.45 a.m.)**

**MEETING REPORT**

## 1. Adoption of the agenda

The Council adopted its agenda as it appears in document CDL-EL-OJ(2005)002ann.

## 2. Armenia

M. Hjörtur Torfason introduced the draft joint opinion of the Venice Commission and OSCE/ODIHR ([CDL-EL\(2005\)010](#)) on the revised draft amendments to the version dated 19 April 2005 of the Armenian Electoral Code ([CDL-EL\(2005\)012](#); see also documents [CDL-EL\(2005\)011](#) version of 15 March 2005 of the draft amendments and CDL(2003)052 the Electoral Code). This draft, which is based on comments by Mr Taavi Annus and Mr Jessie Pilgrim, was already forwarded to the Armenian authorities. These revised draft amendments follow most of the recommendations made by both organisations, but improvements are still required in particular on the composition of the electoral administration, voters' lists and complaints and appeals.

Mr Buquicchio informed the Council that, during his mission to Armenia one week prior to the meeting, the question of the electoral code revision had been addressed. The revised electoral code has now been adopted. Mr Buquicchio suggested adopting an interim opinion on the draft of 19 April and stated that both organisations should examine the final version of the code as soon as an English version is made available.

**The Council endorsed the draft joint interim opinion ([CDL-EL\(2005\)010](#)) of the Venice Commission and OSCE/ODIHR on the revised draft amendments to the version dated 19 April 2005 of the Armenian Electoral Code.**

## 3. Azerbaijan

Mr Paczolay introduced the draft joint opinion of the Venice Commission and OSCE/ODIHR on the draft amendments to the Electoral Code of Azerbaijan ([CDL-EL\(2005\)013](#)); see documents [CDL-EL\(2005\)019](#) and [CDL\(2003\)047](#)). This draft, which is based on comments by Mr Georg Nolte, Mr Rumen Maleev and himself, had already been forwarded to the Azerbaijani authorities, before a meeting held with both organisations in Strasbourg on 31 May. Even if the draft amendments are in line with international standards as far as they reach, the most important recommendations previously made by both organisations were not taken into account in the draft.

Mr Buquicchio informed the Council that the authorities of Azerbaijan had informed him that a number of the proposals by both organisations had been taken into account in a revised version of the draft which has now been submitted to Parliament. He suggested adopting the opinion as an interim one and stated that both organisations should examine the final draft amendments as soon as they are available.

The suggestion was seconded by several members, who agreed that the opinion could be amplified by a reference to the existence of new draft amendments which might become the subject of a further opinion in due course.

**The Council endorsed the draft joint interim opinion of the Venice Commission and OSCE/ODIHR ([CDL-EL\(2005\)013](#)) on the draft amendments to the Electoral Code of Azerbaijan, with an amendment.**

#### **4. Serbia and Montenegro**

Mr Olszewski informed the Commission that a document on the electoral law of Serbia has been prepared by the OSCE/ODIHR. This document generally assesses the situation in a positive way. The experts of the Venice Commission and the Council of Europe will be invited to provide their comments in order for common draft recommendations to be submitted to the Council for Democratic Elections at its next meeting.

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

In Mr Jurgens' absence, Mr Garrone reported on this point. Following the decision taken by the Council at its last meeting, a new version of the questionnaire on election observation ([CDL-EL\(2005\)009](#)) requested by Resolution 1320(2003) of the Parliamentary Assembly has been prepared. It takes account of comments made on the former version of the draft questionnaire ([CDL-EL\(2004\)014rev2](#)) by members of the Council for Democratic Elections as well as by members of the Parliamentary Assembly and the Congress of local and regional authorities of the Council of Europe. The OSCE/ODIHR then prepared an abridged version, which can be dealt with electronically. The questions included in this abridged version should be included in all election observation questionnaires used by both organisations, and then completed if necessary for each election. Following its adoption by the Council and the Venice Commission, this questionnaire will be submitted to the Parliamentary Assembly and to the Congress of local and regional authorities of the Council of Europe and should be applied as soon as it has been adopted. When possible, the more detailed version ([CDL-EL\(2005\)009](#)) should be taken into account.

**The Council adopted as a joint Venice Commission-OSCE/ODIHR document the abridged version of the questionnaire and took note of the more detailed version of the questionnaire ([CDL-EL\(2005\)009](#)).**

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

Mr Sanchez Navarro introduced the draft report on the participation of political parties in the electoral process (document [CDL-EL\(2005\)018](#); see document [CDL-EL\(2004\)024](#)). This report addresses questions arising before, during and after the election. Mr Vogel confirmed he will provide a contribution for the revised draft to be submitted for adoption in October and underlined the importance of OSCE/ODIHR's experience in the field.

## **7. Women's participation in elections**

Following the adoption of the Commission's opinion on Parliamentary Assembly Recommendation 1676(2004) on Women's participation in elections ([CDL-AD\(2005\)002](#)): as a first stage, the Committee of Ministers had invited the Venice Commission to consider the question of whether the relevant provisions of the Code of Good Practice in Electoral Matters concerning electoral equality should be strengthened or completed to take into account certain of the proposals made by the Assembly. It invited the Venice Commission, within the framework of the Council for Democratic Elections, to work with the Parliamentary Assembly, the Congress of local and regional authorities of the Council of Europe, the CDEG and the CDLR on this matter (CM/AS(2005)Rec1676 final, point 6).

**The Council appointed Mr Luchaire as reporting member and invited him to prepare draft recommendations for the next meeting, in co-operation with Ms Suchocka. It decided to invite the CDEG and the CDLR to its next meeting.**

## **8. Study on Referendum**

The Secretariat informed the Council that the first part of the draft report and of the summary table on referendums – concerning national referendums – had already been sent for comments to the members of the Council and the Venice Commission ([CDL-EL\(2005\)023 prov](#) and [CDL-EL\(2005\)020 prov](#); see the questionnaire and the replies thereto ([CDL\(2004\)031](#), CDL-EL(2005)011bil prov). The Secretariat will complete the draft and prepare recommendations, in co-operation with a working group of the Venice Commission to be created, to enable these documents to be submitted for adoption at the next session.

In addition the Committee of Ministers has requested by 30 September 2005 comments from the Venice Commission on Recommendation 1704(2005) of the Parliamentary Assembly entitled : Referendums : towards good practices in Europe. The Council is invited to nominate a reporting member for this issue.

**The Council appointed Mr Luchaire as reporting member on Recommendation 1704(2005) of the Parliamentary Assembly.**

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

Mr Olszewski informed the Council that the final joint document on media monitoring during election observation missions by OSCE/ODIHR, the European Commission and the Council of Europe will be submitted to the Council for adoption at its next meeting.

## **10. Implementation of the Code of good practice in electoral matters**

Further to the comments made in the report of the Parliamentary Assembly on the observation of the parliamentary elections in Moldova (Doc. 10480, item 13), the Council examined the question of the time limit of one year to revise the electoral law (see the Code of Good Practice in Electoral Matters, [CDL-AD\(2002\)023rev](#), item II.2 and document [CDL-EL\(2005\)017](#)).

**The Council requested the Secretariat to prepare a draft interpretative declaration for its next meeting, which would take into account the concerns expressed in the report by the Parliamentary Assembly as well as the comments by the members of the Council and the practice of OSCE/ODIHR.**

## **11. Future activities**

The Council examined possible future activities :

- *Opinions and recommendations on electoral law*

The *Ukrainian* authorities requested the Venice Commission to give an opinion on the law of Ukraine on elections of people's Deputies of Ukraine ([CDL-EL\(2005\)021](#)) and the law on State register of voters ([CDL-EL\(2005\)022](#)).

Requests may also be received for opinion on :

- the law on presidential elections
- the law on elections to the Crimean Parliament

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

**The Council appointed Mr Sanchez Navarro as a reporting member on Ukraine.**

Mr Masters informed the Council on the latest developments in *Kosovo*. An electoral forum had been set up, comprising all members of the Central Election Commission, representatives of political parties, the Ministry of Local Government and the civil society. It will propose to the Central Election Commission recommendations on election-related rules. The OSCE and the Central Election Commission would be interested in the support of the Venice Commission on training programmes and would welcome an opinion of the Venice Commission on new electoral legislation.

- *Legislation on referendums in Montenegro*

The Secretariat informed the Council of a request from the Parliamentary Assembly for an opinion on the compatibility of the existing legislation in Montenegro concerning the organisation of referendums with applicable international standards with a special focus on voter turnout, majority and the criteria for the eligibility to vote.

The representatives of OSCE/ODIHR recalled that their organisation had already adopted an assessment of the Montenegro referendum law.

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

The Secretariat informed the Council that an assistance mission will take place in Albania (July). The next one should take place in Azerbaijan (November).

## **12. Co-operation with OSCE/ODIHR**

The representatives of OSCE/ODIHR informed the Council that it will organise a roundtable on Voter Registration Guidelines at the end of the year. The Venice Commission could be co-organisier.

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

The next meeting will be held on Thursday, 20 October 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  
M. 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, **Vice-Président/Vice-Chair**

#### Membres suppléants / Substitute Members

Mr Christoph GRABENWARTER, Professor of Public Law, University of Graz, Graz (excusé/apologised)  
M. Alain LANCELOT, FNSP, Paris  
Mr Peter PACZOLAY, Deputy Head, Office of the President of the Republic, Budapest  
Mr Ángel SÁNCHEZ NAVARRO, Professor of Constitutional Law, Complutense University, Madrid

#### Autre membre de la Commission de Venise/Other Member of the Venice Commission

Mr Hans Heinrich VOGEL, Professor of Public Law, University of Lund

#### Secrétariat / Secretariat

M. Gianni BUQUICCHIO  
M. Thomas MARKERT  
M. Pierre GARRONE

### Assemblée parlementaire / Parliamentary Assembly

#### Membres / Members

Mr Erik JURGENS, Member of the Parliamentary Assembly, Amsterdam, Legal Commission, **Président/Chair** (excusé/apologised)  
Mme Josette DURRIEU, Sénat, Paris, Commission politique  
M. Luc VAN DEN BRANDE, Sénateur, Bruxelles, Commission de suivi

#### Membres suppléants / Substitute Members

Ms Hanne SEVERINSEN, Member of PACE, Copenhagen, Political Commission  
M. André KVAKKESTAD, Deputy, Oslo, Commission de suivi

#### Secrétariat / Secretariat

Mr Andrew DRZEMCZEWSKI

**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**

**BIDDH/ODIHR**

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

M. Konrad OLSZEWSKI, Desk Officer, Warsaw

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

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