



Strasbourg, 8 January 2007

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

19th MEETING
OF THE COUNCIL FOR DEMOCRATIC ELECTIONS
(Venice, 16 December 2006 at 2.30 p.m.)

MEETING REPORT

1. Adoption of the agenda

The Council adopted its agenda as it appears in document CDL-EL-OJ(2006)004ann. Since none of the Members of the Council had any comments on items 5 and 6 of the agenda, both texts were submitted to the plenary session of the Venice Commission which adopted them. Therefore the Council did not have a discussion on these items.

2. Code of good practice on referendums

At their last session the Council for Democratic Elections and the Venice Commission adopted the guidelines on the holding of referendums ([CDL-AD\(2006\)027rev](#)), which were forwarded to the Parliamentary Assembly and to the Congress of local and regional authorities of the Council of Europe.

The Secretariat informed the Council that a draft introduction and explanatory note to be attached to the guidelines had been prepared in co-operation with the rapporteurs, Messrs van Dijk, Luchaire and Malinverni (see document [CDL-EL\(2006\)033](#)). The explanatory note was aimed at developing those aspects of the guidelines which were specific to referendums. It therefore did not comment on the principles and general rules which apply to both referendums and elections. In this respect, the explanatory report to the Code of good practice in electoral matters ([CDL-AD\(2002\)023rev](#), pp. 19) should be referred to.

Mr Micallef suggested adding an additional phrase in the introduction which could refer to political parties on regional level. It was also suggested completing paragraph 8 with a more detailed reference to item I.2.2.c.

The Council for Democratic Elections approved the introduction and the explanatory note to the Code of good practice on referendums ([CDL-EL\(2006\)033](#)) with amendments as suggested during the discussion.

3. Convention on Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States

The Secretariat informed the members of the Council that the Convention on standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States ([CDL-EL\(2006\)031](#)) had been adopted on 7 October 2002 and ratified by 5 states by 2006.

The Secretary General of the Council of Europe requested the Venice Commission's opinion on this text. Mr Grabenwarter had prepared a draft opinion ([CDL-EL\(2006\)034](#)) submitted to the Council for adoption.

The Secretariat informed the Council that the rapporteur had made *inter alia* the following observations on the Convention on standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States:

- 1) it has a structural approach, more than an individual one based on voters' rights;
- 2) it does not clearly refer to the principle of proportionality;
- 3) there was no reference to the principle of the freedom of voters to express their wishes;
- 4) the position of observers was not very clear from the text of the Convention;

- 5) a provision obliging political forces to accept the result of an election could be problematic;
- 6) more generally, some of its provisions could still be improved.

During the discussion the participants suggested including some concrete examples that could illustrate the problems mentioned by Mr Grabenwarter in his text. The absence of references to the freedom of media should also be included in the text of the opinion.

The Council adopted the draft opinion ([CDL-EL\(2006\)034](#)) with the proposed changes and agreed to submit the text to the plenary session of the Venice Commission in March 2007.

4. Code of good practice on political parties

At its last meeting the Council held an exchange of views on the possibility of drawing up a code of good practice on political parties, after discussion of the report of Mr Elo and eventual adoption of a resolution/recommendation by the PACE.

The Council held an exchange of views on the basis of the note prepared by the Secretariat ([CDL-EL\(2006\)035](#)). It was decided to include in the list of issues mentioned in the document the issue of internal democracy in political parties.

The Council decided to:

- 1) appoint Messrs Closa Montero and Colliard rapporteurs on this issue;**
- 2) to transmit the Note, amended on the basis of the Council's proposals to the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe;**
- 3) inform the Political Affairs Committee that the rapporteurs of the Venice Commission were at its disposal if it considers useful to hold an exchange of views on the Venice Commission's work in the field of political parties.**

7. Statement by the Secretariat

The Commission participated in a meeting on the latest developments on e-voting in Strasbourg on 23-24 November 2006.

The Secretariat also participated in an assistance mission to the Central Electoral Commission of Ukraine on the follow-up to the legislative elections in March 2006. Amongst other things, the necessity to adopt a single electoral code was confirmed.

8. Future activities

The Council was informed that the Commission had been invited to take part in the Parliamentary Assembly's observation mission on the occasion of the parliamentary elections in Serbia (January 2007).

Mr Van den Brande proposed exploring the possibility of drawing up a study on the relations between the elected representatives and governments and invited the Council to hold an exchange of views on this issue.

Mr Mifsud Bonnici will represent the Venice Commission and the Council for Democratic Elections at the International Conference on election observation organised by the Parliamentary Assembly of the Council of Europe on 15-16 February 2007 in Strasbourg.

The Council was informed about the decision of the PACE to nominate an ad hoc committee to represent the Assembly at this conference.

9. Co-operation with OSCE/ODIHR

Mr Vulchanov informed the Council about the meeting of experts on voter registration and electoral observation organised by OSCE/ODIHR in Warsaw on 7-8 December 2006. A document will be prepared on the basis of a first draft submitted to this meeting and the discussions held in Warsaw, and another (enlarged) meeting should take place in the first half of 2007.

Mr A. Nothelle and Mr N. Vulchanov informed the Council that due to the internal political situation in Albania there were no developments concerning the revision of the Electoral Code of Albania.

10. Dates of the next meetings

It was decided to hold the next meeting on Saturday 17 March 2007 at 2.30 and the June meeting on Saturday 2 June at 2.30. However, future meetings should take place again on the Thursday morning, before the plenary session of the Commission.

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS

COMMISSION DE VENISE / VENICE COMMISSION

Membres du CED / Members of the CDE

M. Dominique CHAGNOLLAUD, Membre du Tribunal Suprême, Université de droit, d'économie et de sciences sociales, Paris

Mrs Mirjana LAZAROVA TRAJKOVSKA, Judge, Constitutional Court, Skopje **(Vice-présidente/Vice-Chair)**

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

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

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

Membres suppléants du CED / Substitute Members of the CDE

M. Jean-Claude COLLIARD, Membre du Conseil constitutionnel français, Paris (excusé/apologised)

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

Ms Eliska WAGNEROVA, Vice-President, Constitutional Court of the Czech Republic, Brno (excuse/apologised)

Autres membres / Other Members

M. François LUCHAIRE, Ancien Magistrat du Tribunal constitutionnel d'Andorre, Paris (excusé/apologised)

Secrétariat / Secretariat

M. Gianni BUQUICCHIO

M. Thomas MARKERT

M. Pierre GARRONE

M. Serguei KOUZNETSOV

ASSEMBLEE PARLEMENTAIRE / PARLIAMENTARY ASSEMBLY

Membres / Members

M. Luc VAN DEN BRANDE, Bruxelles, Commission de suivi **(Président/Chair)**

Mme Josette DURRIEU, Paris, Commission politique

M. Andreas GROSS, Zurich, Commission juridique

CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE (CPLRE) / CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE (CLRAE)

Membres / Members

M. Ian MICALLEF, Malte, Président de la Chambre des pouvoirs locaux/President of the Chamber of Local Authorities

Mr Keith WHITMORE, Manchester, Chambre des régions

Secrétariat / Secretariat

M. Spyros TSOVILIS

OBSERVATEURS / OBSERVERS

OSCE

BIDDH/ODIHR

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

ASSEMBLEE PARLEMENTAIRE OSCE / OSCE PARLIAMENTARY ASSEMBLY

Mr Andreas NOTHELLE, Ambassador, Vienna

ASSOCIATION DES ADMINISTRATEURS D'ELECTIONS D'EUROPE / ASSOCIATION OF EUROPEAN ELECTION OFFICIALS (ACEEEO)

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