



Strasbourg, 17 April 2007

CDL-EL-PV(2007)001*
Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**20TH MEETING OF THE
COUNCIL FOR DEMOCRATIC ELECTIONS**

Venice, 17 March 2007 at 14h30

MEETING REPORT

**This document has been classified restricted at the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

1. Adoption of the agenda

The Council adopted its agenda with slight modifications, Armenia being dealt with in the first place [CDL-EL-OJ\(2007\)001ann](#). As no members of the Council made comments on the items Armenia and “the former Yugoslav Republic of Macedonia”, these two texts had been submitted to the Plenary Session of the Venice Commission and adopted.

2. Statement by the Secretariat

The Secretariat informed the Council on the following :

The Secretariat recalled that the Venice Commission is organising the 4th Conference of European Electoral Management Bodies which will take place in Strasbourg on 20-21 September 2007. The themes to be dealt with are fighting against electoral fraud and complaints and appeals procedures (see draft programme [CDL-EL\(2007\)006](#)). The Conference will be preceded by the Annual ACEEEO (Association of European Election Officials) Conference which will take place on 18-19 September 2007.

The dates of the meeting are now final. It is hoped that some members of the Council for Democratic Elections will participate. The draft agenda is available. Further information can be found on the Venice Commission’s web site and on the VOTA Forum.

The Secretariat underlined that the data contained in the “vota” database (<http://venice.coe.int/vota>) has been further increased in particular with electoral legislation of member States and the Commission’s opinions and studies in the electoral field.

The following have been newly integrated into the “vota” database (<http://venice.coe.int/vota>) in 2006:

- consultation of Venice Commission opinions (including with the assistance of the systematic thesaurus);
- direct links to the sites of other international organisations active in the electoral field and consultation of their documents;
- consultation of laws in original version.

It will be possible in due course to :

- consult electoral statistics country by country;
- find information on certain non-European countries.

In addition, the Secretariat informed that the Venice Commission assisted the Parliamentary Assembly of the Council of Europe during the observation mission on the occasion of the parliamentary elections in Serbia (21 January 2007). It thus contributed to the final declaration and to the observation report. In this respect, the Secretariat stressed that one of the major problems in Serbia is the system of distribution of seats after the election, as the parties have the right to choose the candidates elected on their list.

The Secretariat recalled that at the request of the Council of Europe Group of Specialists on Human Rights in the Information Society, Mr Masters and Ms Thorgeirsdottir prepared comments on possible amendments to the Recommendation on the media coverage of electoral campaigns. The comments have been forwarded to the Group and will be used during

a working meeting in Strasbourg on 26-27 March 2007. The individual opinions (or a consolidated opinion) will be submitted to the Council at its June meeting.

The Secretariat informed that an English-French and French-English Electoral glossary ([CDL\(2007\)022](#)) is finally available and should be used when drafting future opinions in the electoral field.

Ms Lazarova Trajkovska informed the Commission about her activity as head of the observation mission to the parliamentary elections in Estonia. Ms Lazarova stated that the elections were well organised and stressed that, for the first time in Estonia, electronic voting had been used for parliamentary elections. This had previously only been the case for the local elections in 2005. Computer security experts reported that there had been no problems with the electronic voting. More than 30,000 voters, i.e. 3% of the electorate, voted by internet. Only two parties out of 16 expressed doubts on the holding of the ballot.

3. Armenia

During the June 2006 session the Council for Democratic Elections and the Venice Commission adopted a joint opinion by the Venice Commission and OSCE/ODIHR on the amendments to the electoral code of Armenia ([CDL-AD\(2006\)026](#)). Following this opinion, the two organisations continued their co-operation with the Armenian authorities on the revision of the electoral code, a new version of which was adopted by the Armenian parliament on 22 December 2006. A draft joint opinion on this text has been drawn up by the Venice Commission and OSCE/ODIHR ([CDL-EL\(2007\)003](#); cf. [CDL-EL\(2007\)002](#) and [CDL-EL\(2006\)019](#)).

Mr Closa Montero informed that the Venice Commission adopted the joint opinion (CDL-AD(2007)013) taking into account comments by OSCE/ODIHR and the Congress of Local and Regional Authorities of the Council of Europe. He pointed out in addition that a complementary opinion will be drawn up in co-operation with OSCE/ODIHR on the law adopted by the National Assembly of Armenia on 5 February 2007, which amends the electoral code mainly on those provisions relating to double nationality.

The Secretariat indicated for information that due to the important elections to be held in 2007 (legislative elections on 12 May) and in 2008 (presidential election), the Council of Europe is offering its assistance to Armenia through a special Action Plan for Elections. In the framework of this programme, the Venice Commission will send an international expert to assist the Central Electoral Commission of Armenia from 3-13 April 2007. In addition, the Commission will organise a seminar on the holding and supervision of elections, probably at the end of April.

4. « The former Yugoslav Republic of Macedonia »*

The authorities of "the former Yugoslav Republic of Macedonia" have drawn up a draft revision of the electoral code, which mainly provides for introducing the right to vote for citizens resident abroad ([CDL-EL\(2007\)004](#); cf. [CDL-EL\(2006\)021](#)). The Venice Commission and OSCE/ODIHR have prepared a draft joint opinion on this text ([CDL-EL\(2007\)001](#)), which is essentially based on the text of a note already sent to the authorities at their request.

The Secretariat informed that the Venice Commission had adopted that joint opinion without amendment (CDL-AD(2007)012).

5. Code of good practice for political parties

At its last two meetings the Council for Democratic Elections held an exchange of views on the possibility of drawing up a code of good practice on political parties. The Secretariat has up-

dated its note on this subject ([CDL-EL\(2006\)035rev](#)), which refers in particular to the Commission's previous work in the field of political parties. Mr van den Brande informed the Council on the results of the latest meetings of the Committee on political affairs of the Parliamentary Assembly on this theme (25 January and 12 March 2007).

Amongst the proposals, it should first of all be recalled that this code is not intended to be rules, although its principles should have a certain authority and should not be limited to simple guidelines. Political parties should publish their programme throughout the whole term of office. The diverse character of political parties (a particular form of association) should be taken into account in the future code. Non-governmental organisations (NGOs) should also be dealt with in the code, without influencing the drawing up of a code of good practice for NGOs. The involvement of young people in the electoral process could also be dealt with by the code, including encouraging the creation of youth structures within political parties. Equality between women and men was also discussed both concerning a more extensive guarantee of equality within political parties and also after the elections. The question of the way in which European political parties are dealt with was also raised.

After this discussion on future work concerning the code of good practice for political parties and its content, the Council decided to start work on this code as soon the request is received from the Parliamentary Assembly.

6. Fixing election dates – Role of the executive

The Council held a first exchange of views on the question of the role of the executive in fixing election dates, on the basis of the working document ([CDL-EL\(2007\)005](#)), as well as the summary note drawn up by the Secretariat. The working document describes for each country the pertinent legislation on fixing election dates, respectively for the executive, the President and the Parliament; the document also indicates the pertinent provisions in the law and the constitution. Finally, there is a conclusion for each country.

The summary note drawn up by the Secretariat describes the role of the different powers in the dissolution of parliament. Thus, 34 States are concerned by cases of dissolution by the President, the government or by royal power. In 11 States the parliament intervenes together with the President or the Prime Minister in case of dissolution. 13 States have provisions which foresee dissolution by the parliament itself. 10 States foresee automatic dissolution. Finally, one State foresees dissolution by referendum, and two do not foresee dissolution.

It was decided to integrate further elements and then to send the document to the members of the Venice Commission and the Council for comment.

7. Future activities

The Secretariat informed the Council that the Commission took part in the Parliamentary Assembly's observation missions on the occasion of the legislative elections in Montenegro (10 September 2006), the presidential elections in Serbia (21 January 2007) and will take part in the observation mission on the occasion of the parliamentary elections in Armenia (May 2007).

The Council could nominate a rapporteur to examine the question of the cancellation of election results. Ms Lazarova Trajkovska indicated that the Constitutional Court of "the former Yugoslav Republic of Macedonia" is willing to organise a UniDem Seminar on this subject in January or February 2008 in co-operation with the Venice Commission as well as with competent Constitutional or Supreme Courts.

The following future activities were indicated:

- The Commission is working on the opinion on the draft law on the State register of voters in Croatia.
- Messrs Endzins and Paczolay, reporting members on the amendments to the electoral code of Azerbaijan, will visit Baku on 11-12 April for a working meeting with the Azeri authorities.
- The Commission is co-operating with the Ukrainian authorities, OSCE/ODIHR and the OSCE Missions in Kiev on the preparation of the electoral code.
- The Commission could also receive a request for opinion on the electoral code of Kyrgyzstan.

It was agreed to consider the drawing up of a study on a non-legal approach to the imperative mandate.

Mr van den Brande informed that a debate on the future of democracy will be held in the Parliamentary Assembly in April 2007, following which the Venice Commission and the Council may be asked to prepare an expertise.

8. Co-operation with OSCE/ODIHR

The Council held an exchange of views with the representatives of OSCE/ODIHR on the possibilities of future co-operation during which Mr Nicolai Vulchanov announced that he will leave OSCE/ODIHR. The President of the Council thanked Mr Vulchanov warmly for the constructive and efficient work accomplished by ODIHR in co-operation with the Venice Commission and the Council for Democratic Elections.

9. Date of the next meeting

The next meeting will take place on Saturday 2 June 2007 at 14h30. The following meetings should take place again on the Thursday morning prior to the Venice Commission plenary session.

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 (excusé/apologised)

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 (excusé/apologised)

Mr Hjörtur TORFASON, Former Judge of the Supreme Court of Iceland, Reykjavik (excusé/apologised)

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 (excusée/apologised)

Autres membres

Mr Carlos CLOSA MONTERO, Sub-Director for Studies and Investigation, Centre for Political and Constitutional Studies, Madrid

Secrétariat / Secretariat

M. Gianni BUQUICCHIO

M. Pierre GARRONE

M. Gaël MARTIN-MICALLEF

ASSEMBLEE PARLEMENTAIRE / PARLIAMENTARY ASSEMBLYMembres / Members

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

Mme Josette DURRIEU, Paris, Commission politique

M. Andreas GROSS, Zurich, Commission juridique

Membres suppléants / Substitute Members

Mme Hanne SEVERINSEN, Copenhague, Commission politique

Secrétariat / Secretariat

Excusé/apologised

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

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

Mr Keith WHITMORE, Manchester, Chambre des régions (excusé/apologised)

Secrétariat / Secretariat

Ms Pilar MORALES

DIRECTION GENERALE DES AFFAIRES POLITIQUES / GENERAL DIRECTORATE OF POLITICAL AFFAIRS

M. Michael REMMERT (excusé/apologised)

OBSERVATEURS / OBSERVERS

OSCE

BIDDH/ODIHR

Mr Konrad OLSZEWSKI, Deputy Head of the Election Department, Warsaw

Ms Holly RUTHRAUFF, Warsaw

Mr Nikolai VULCHANOV, Warsaw

ASSEMBLEE PARLEMENTAIRE DE L'OSCE / OSCE PARLIAMENTARY ASSEMBLY

Mr Andreas NOTHELLE, Ambassador, Vienna (excusé/apologised)

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

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