



Strasbourg, 18 June 2007

CDL-EL-PV(2007)002*
Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**21st MEETING OF
THE COUNCIL FOR DEMOCRATIC ELECTIONS**

Venice, 2 June 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 as it appears in document CDL-EL-OJ(2007)002ann. As no members of the Council made comments on items 4, 6 and 8 of the agenda,¹ the texts were submitted to the Plenary Session of the Venice Commission and adopted. There was therefore no discussion on these items.

Mr Van den Brande presented the Council's condolences to Mr Chagnollaude following the death of his wife.

2. Statement by the Secretariat

The Secretariat was informed on the following:

- preparation of the 4th Conference of European Electoral Management Bodies which will take place in Strasbourg on 20-21 September 2007 (see draft programme [CDL-EL\(2007\)006prog](#)). This Conference will be preceded by the Annual ACEEEO (Association of European Election Officials) Conference which will take place on 18-19 September 2007. The themes to be dealt with will be electoral fraud and complaints and appeals procedure. More than 30 countries as well as European and international organisations such as the European Union, OSCE/ODIHR, the UN, IFES and International IDEA have confirmed their participation at the Conference of European Electoral Management Bodies in Strasbourg. Members of the Council are invited to take part in this event.
- the Commission's assistance to a Parliamentary Assembly observation mission during the parliamentary elections in Armenia (12 May 2007). According to reports from the electoral observation missions, there has been an improvement in the administration and the general climate of elections in Armenia. Nevertheless, as the latest amendments to the code were made shortly before the ballot, some electoral administrations had difficulties in implementing them.

The representatives of the Parliamentary Assembly and the Congress of local and regional authorities of the Council of Europe informed the Council on work concerning the code of good practice on referendums. The Congress approved the Code during its June 2007 session. The President of the Council for Democratic Elections informed the members that the Parliamentary Assembly will examine this question at its October 2007 session.

3. Albania

Mr Olszewski informed the Council on progress of work concerning the latest amendments to the electoral code of Albania, adopted on 13 January 2007 (cf. [CDL-EL\(2007\)009](#)). He recalled that the latest joint recommendations by the Venice Commission and OSCE/ODIHR on the amendments to the Code date from 2004 (CDL-AD(2004)017). Since then the Code has been amended twice, in 2005 and in January 2007. Despite these amendments, some recommendations were not taken into account, in particular those relating to the administration of elections. In Mr Olszewski's view the fundamental problem was political polarisation – the two main parties can block the electoral commissions' work. The smaller parties have no influence on this process. The other problem in Albania is the distribution of seats in Parliament following the election. The party management decides which candidates on the list will get the seat.

¹

The items in question concern Armenia, Croatia and Ukraine.

The members of the Council considered that this system is harmful to political life and affects voters' rights. It was agreed that international organisations should attempt to remedy this situation. Mr Van den Brande proposed that the draft opinion should be examined at the Council's October meeting.

5. Azerbaijan

The Secretariat informed the Council on recent developments in co-operation with Azerbaijan in the electoral field ([CDL-EL\(2007\)011](#)). Two meetings on the amendments to the electoral code took place between the Azeri authorities and the Venice Commission, OSCE/BIDDH and IFES in Baku on 11-12 April and in Strasbourg on 30 May 2007. It had thus been possible to resolve a certain number of problems concerning the cancellation of candidates, the role of the media during electoral campaigns, the complaints and appeals procedure, the conditions for running as a candidate and voting procedures. The representatives of the authorities were in favour of organising exchanges of views with the different political forces and the civil society concerning the composition of electoral commissions and the structure of specific bodies set up to examine possible violations of the Code. They requested that these activities be organised with the participation of the Council of Europe, OSCE and IFES.

7. « The former Yugoslav Republic of Macedonia »

Ms Lazarova Trajkovska and the Secretariat informed the Council on future activities in "the former Yugoslav Republic of Macedonia" and in particular on the preparation of a Conference of electoral administrators from States in the region which will take place on 19 and 20 June 2007 in Skopje.

A UniDem Seminar on the cancellation of election results will be organised in Skopje in February 2008.

9. Media and electoral campaigns

The Secretariat informed the Council on a meeting which took place on 26-27 March 2007 on the revision of Recommendation R(99)15 of the Committee of Ministers to member States concerning media coverage of electoral campaigns, organised by the Media Division of the Council of Europe. At this meeting Ms Herdis Thorgeirsdottir presented comments on proposals for amendment by Mr Owen Masters and herself.

Mr Van den Brande considered the initiative to deal with the problem of new medias in more detail to be good, the definition of medias should however be precise. He welcomed the fact that Venice Commission experts have contributed to work in the media field.

A consolidated opinion was adopted by the Venice Commission at its Plenary Session on 2 June 2007 (CDL-AD(2007)022).

10. Secrecy of the vote in the context of parliamentary elections

Following a request from the Monitoring Committee of the Parliamentary Assembly, the Venice Commission decided to study the question of secrecy of vote in the context of parliamentary elections. A draft summary report was drawn up by Mr Chagnollaude ([CDL-EL\(2006\)036](#)) on the basis of replies to the questionnaire which he had prepared ([CDL-EL\(2006\)022](#)). The report was submitted to the Council for adoption.

Mr Chagnollaude stressed that the principle of the secret of vote, which guarantees the honesty of the election, only has constitutional force during direct or indirect universal suffrage. For internal elections in Chambers, there is no European norm which sanctions in a general

manner a public vote during a meeting. The reporting member considers that, even though the violation of the secret of vote during a ballot may be morally reproachable when this principle exists in law, the sanction of such practice, albeit rare, is delicate.

The Council adopted the summary report on the secret of vote in the context of parliamentary elections (CDL-EL(2006)036).

11. Code of good practice for political parties

At its previous 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 (cf. [CDL-EL\(2006\)035rev](#)), which refers in particular to the Commission's previous work in this field. On the basis of the Resolution adopted by the Parliamentary Assembly on this issue (Resolution 1546(2007)), Messrs Colliard and Closa Montero prepared comments ([CDL-EL\(2007\)012](#) and [CDL-EL\(2007\)013](#)). The Council was invited to examine these comments.

Mr Colliard informed the Council that his observations were based on the Parliamentary Assembly report prepared by Mr Van den Brande. The future code, in his opinion, should deal with the different guidelines adopted by the Commission in the field of political parties. However, in certain cases it could go further than the previous texts. He proposed adding two subjects to the list established by the Assembly document – the definition of political parties and the analysis of existing practices in the dissolution of parties. The code should examine the different national experiences and could give examples for solutions to certain problems in the member States of the Council of Europe.

The Secretariat informed the Council that Mr Closa Montero's document proposed the drawing up of a vast list of subjects to be dealt with.

The members of the Council considered that the reporting members' documents were complementary and invited them to prepare a first version of the report for the October meeting.

The Council requested the reporting members to present a first interim version of the Code for the October 2007 meeting.

12. Future activities

The Council took note that a draft report on fixing election dates by the executive drawn up by Mr Velaers will be submitted to the Council at its next meeting.

The Secretariat informed the Council that a meeting between representatives of the Venice Commission and the Georgian authorities on possible amendments to the electoral Code took place on 2-3 May 2007 in Tbilisi. The new amendments should shortly be sent to the Commission. It is envisaged to organise a training session for election administrators and a seminar for judges on the complaints and appeals procedure at the beginning of 2008.

The Commission has been invited by the Congress of local and regional authorities of the Council of Europe to work on the electoral law of Gagaouzia. The amendments to the electoral code of Moldova should also be examined.

The Secretariat informed the Council of a request from the Parliamentary Assembly to study the problem of the voters' registration system and postal votes in the United Kingdom.

The Council was informed that the Commission could be invited to take part in the Parliamentary Assembly observation missions during the presidential elections in Montenegro and the early parliamentary elections in Ukraine.

13. Co-operation with OSCE/ODIHR

The representatives of OSCE/ODIHR informed the Council of their interest to co-operate with the Venice Commission on the electoral legislation in Moldova.

14. Date of the next meeting

The Council fixed the date of its next meeting on Thursday, 18 October 2007 at 9h45.

The following meetings will take place on 13 December 2007 at 9h45. In 2008 the Council will meet on 13 March, 12 June, 16 October and 11 December.