



Strasbourg, 6 April 2009

CDL-EL-PV(2009)001
Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**28th MEETING OF
THE COUNCIL FOR DEMOCRATIC ELECTIONS**

Venice, 14 March 2009 at 2 p.m.

MEETING REPORT

1. Adoption of the agenda

The Council adopted the agenda as it appears in document CDL-EL-OJ(2009)001ann.

2. Code of good practice for political parties

Further to Parliamentary Assembly Resolution [1546\(2007\)](#) on the Code of good practice for political parties, the Council followed by the Plenary Commission adopted the Code of good practice for political parties ([CDL-AD\(2009\)002](#)). At its December 2008 meeting, the Council adopted the draft explanatory report to this Code ([CDL-EL\(2008\)027](#)) which was in turn adopted by the Commission at its current Plenary Session.

3. Thresholds and other features of the electoral system which bar parties from access to Parliament

Following the adoption of the report on thresholds and other features of the electoral system which bar parties from access to Parliament ([CDL-AD\(2008\)037](#)) by the Commission at its last session, Mr Colliard agreed to prepare the second part of the report, aimed at a solid and in-depth evaluation of the prevailing situation across member States. A draft report should be submitted to the Council at its June 2009 meeting.

4. International status of election observers

On the basis of individual comments by Messrs Sanchez Navarro, Musin, Masters and Pohler, the Secretariat prepared two documents concerning the international status of election observers. The first document ([CDL\(2009\)013](#)) is an inventory of the situation in domestic and international law in Europe. This document was adopted by the Commission at the current Plenary Session. A second document ([CDL-EL\(2009\)006](#)) firstly summarises the recommendations emanating from election observation missions. This document will be completed on this point by references to the reports from the Parliamentary Assembly of the Council of Europe. It also above all contains draft guidelines towards an internationally recognised status for election observers. The Council examined these guidelines, in particular in the light of the report adopted during the Plenary session and various reference documents, including the document drawn up by the United Nations Electoral Assistance Division on this issue, and endorsed by the Commission ([CDL-AD\(2005\)036](#)).

Comments will be made on these guidelines, in particular by OSCE/ODIHR, and they will be submitted to the Commission for adoption at its next Plenary Session.

The Council adopted the recommendations and draft guidelines on an internationally recognised status for election observers with some modifications ([CDL\(2009\)058](#)).

5. Imperative mandate

Further to Parliamentary Assembly Recommendation [1791\(2007\)](#) on the state of human rights and democracy in Europe the Commission decided to draw up a study on the imperative mandate. Mr Closa Montero prepared a report on the question ([CDL-EL\(2009\)005](#)).

The Council adopted the report on the imperative mandate with some modifications ([CDL\(2009\)057](#)).

6. Women's participation in elections

At the request of the Committee on equal opportunities for women and men of the Parliamentary Assembly the Commission charged an expert, Mr Krennerich, to prepare a report on the impact of electoral systems on women's representation in politics ([CDL-EL\(2009\)004](#)).

The Council adopted the report on women's participation in politics with some modifications.

7. Cancellation of election results

Following the UniDem Seminar which took place in Malta in November 2008, the Secretariat reminded those Commission members from States which did not participate in the Conference to reply to the questionnaire ([CDL-EL\(2007\)043rev](#)) before 30 April 2009, with a view to submitting a comparative study on this question to the Commission at one of its forthcoming Plenary Sessions.

8. Albania

The Venice Commission and OSCE/ODIHR prepared a draft joint opinion on the electoral law of Albania, on the basis of comments by Messrs Kask and Pilgrim. This opinion was adopted by the Commission at its Plenary Session ([CDL\(2009\)012](#); cf. [CDL\(2009\)005](#)).

9. "The former Yugoslav Republic of Macedonia"

A draft joint opinion by the Venice Commission and OSCE/ODIHR on the electoral law of "the former Yugoslav Republic of Macedonia" (on the basis of the electoral code as amended on 29 October 2008 ([CDL\(2009\)006](#))) will be presented to the Council at its next meeting.

10. Ukraine

Following a request from the Ministry of Foreign Affairs of Ukraine, an opinion on the draft law amending the law on the election of people's Deputies of Ukraine was drawn up on the basis of comments by Ms Nussberger and Mr Paczolay ([CDL\(2009\)021](#); cf. [CDL\(2009\)016](#)). This opinion was adopted by the Commission at its Plenary Session.

11. Other developments and future activities

The Secretariat informed the Council on work concerning the state of human rights and democracy in Europe (follow-up to Parliamentary Assembly Recommendation [1791\(2007\)](#)) on the issues of good governance and procedures for amending Constitutions. These two items will be submitted to the June Plenary Session. The question of thresholds and other features of the electoral system which bar parties from access to Parliament as well as of imperative mandate were dealt with under items 3 and 5 above.

In addition, the Secretariat informed the Council on the following:

- the preparation of the Forum for the Future of Democracy, which will take place in Kyiv on 21-23 October 2009, on the theme of electoral systems;
- the Belarus authorities should provide a draft revised electoral code;
- as previously indicated, a draft opinion on the electoral code of "the former Yugoslav Republic of Macedonia" revised in October 2008 is currently being prepared and should

- be submitted to the Council at its June meeting;
- a Conference on the control of the electoral process, co-organised by the Venice Commission and the Centre for constitutional studies, will take place in Madrid on 24-25 April.

Finally, Mr Gross informed the Council that a report on the evaluation of the quality of elections is currently being prepared and should be presented to the Council at its October 2009 meeting.

12. Co-operation with OSCE/ODIHR

An exchange of views took place with the representative of OSCE/ODIHR on current and future co-operation. Mr Olszewski underlined the excellent co-operation between OSCE/ODIHR and the Venice Commission, in particular on the on-going draft opinions previously mentioned by the Secretariat.

13. Date of the next meeting

The next meeting will take place on Thursday, 11 June 2009 at 10 a.m.

LIST OF PARTICIPANTS / LISTE DES 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)

Mr Ugo MIFSUD BONNICI, President Emeritus, La Valletta (**1^{er} Vice-Président/1st Vice-Chair**)

Mr Peter PACZOLAY, President of the Constitutional Court, Budapest (excusé/apologised)

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, Président de la Fondation Santé des Etudiants de France, Paris (excusé/apologised)

Mr Srdjan DARMANOVIC, Professor, University of Montenegro, Podgorica

Mr Klemen JAKLIC, Professor, Constitutional Law, Ljubljana, Slovenia (excusé/apologised)

Mr Oliver KASK, Judge at the Court of Appeal, Tallinn

Secrétariat / Secretariat

M. Gianni BUQUICCHIO

M. Thomas MARKERT

M. Pierre GARRONE

M. Gaël MARTIN-MICALLEF

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 (**2^e Vice-Président/2nd Vice-Chair**)

Secrétariat / Secretariat

M. Vladimir DRONOV (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

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

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

Membre suppléant / Substitute Member

M. Jean-Claude FRECON, Pouilly-les-Fleurs, France, Chambre des pouvoirs locaux

Secrétariat / Secretariat

(excusé/apologised)

OBSERVATEURS / OBSERVERS

OSCE

BIDDH/ODIHR

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

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Mme Véronique ARNAULT, Directrice des Relations multilatérales et Droits de l'Homme

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)