



Strasbourg, 29 June 2020

CDL-EL-PV(2020)001
Or. Engl./Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

68th MEETING
OF THE COUNCIL FOR DEMOCRATIC
ELECTIONS
On-line meeting
15 June 2020 at 3.30 p.m.

MEETING REPORT

1. Adoption of the agenda

The Council adopted its agenda as it appears in the present document CDL-EL-OJ(2020)001ann.

2. Turkey – replacement of elected candidates and mayors

Mr Carozza stressed that while the rapporteurs acknowledged the terrorist threat in the South-Eastern part of Turkey and the implications of the failed coup attempt of 15 July 2016, any measures taken in response needed to respect the relevant legal provisions and be proportionate to the aim pursued. In the view of the rapporteurs, the decisions taken by the Supreme Election Council and the Ministry of the Interior of Turkey in the context of the 2019 local elections were incompatible with basic principles of democracy, namely respect for the free expression of the will of the voters and the rights of elected officials, and the rule of law. Several members of the Council expressed their concerns about the current situation of local democracy in Turkey and their support for the recommendations included in the draft opinion.

The Council approved the draft opinion on the replacement of elected candidates and mayors (CDL-AD(2020)011).

3. Election dispute resolution

Mr Holmøyvik and Ms Pabel recalled the previous discussions on the draft report and the amendments that had followed. Footnotes had been completed and updated. Minor revisions - corrections to references relating to national legislation and, if ready in time, references to the judgment of the European Court of Human Rights in the Mugemangango case - will be made in the document before its submission to the October 2020 plenary session for adoption.

The Council approved the draft report on Election dispute resolution (CDL-EL(2020)004).

1. Use of digital technologies and elections: draft principles

Mr Vargas Valdez explained that the draft principles were based on the findings of the Joint report on digital technologies and elections which had been adopted by the Venice Commission in June 2019 (CDL-AD(2019)016). Given the complexity of the subject, they remained rather general and focused on some main issues of concern, and they could be seen as a starting point for a more concrete regulation at national and international level in the future. Mr Barrett added that this was a dynamic subject and that further relevant developments, e.g. in the aftermath of the Covid-19 crisis, might be expected and could possibly be taken into account in the ongoing work on the draft. Mr Rubio Nuñez drew attention to various advantages and concerns related to the use of digital technologies in relation to elections. The Council raised several questions which might need to be explored further, such as the question how to reconcile principle 3 (on the removal of third party content) with the obligation in certain member states to remove hate speech content; whether it was accurate to assume that net neutrality was the best strategy to guarantee a free and open internet and whether principle 4 (on open internet and net neutrality) should be reformulated so as to focus more on the electoral context; the question of the responsibility of third parties (other than political parties, candidates and media) and of the scope of the draft principles which currently focused to a large extent on electoral campaigns. A revised version should be submitted to the next meeting of the Council.

2. Co-operation with OSCE/ODIHR

Mr Shlyk pointed out that the two institutions were preparing two joint opinions to be submitted to the authorities before the October 2020 plenary session, mainly in response to the agendas of the parliaments concerned, namely the opinions on:

- the draft law on the election of members of parliament and councillors of Montenegro, following the request of Mr Branimir Gvozdenovic, Vice-President of the Parliament of Montenegro ;
- the draft law "On the Pan-Ukrainian Referendum", following the request of Mr Dmytro Razumkov, President of the Verkhovna Rada of Ukraine.

The ODIHR also provided two opinions concerning Poland concerning the Law on the Election of the President of the Republic.

Mr Shlyk also recalled that ODIHR will soon observe the elections in Serbia (21 June 2020), Poland (28 June 2020) and Belarus (9 August 2020) and will carry out needs assessment missions to Croatia and Northern Macedonia. The observation missions referred to will be in a restricted form due to the constraints of COVID-19 and for the same reason the ODIHR has carried out remote needs assessment missions for Iceland and the United States of America. The autumn election observation and needs assessment missions are expected to resume in the normal format.

Mr Shlyk also welcomed the participation of the Venice Commission in the last meeting on the Declaration of Principles on Election Observation and the forthcoming co-operation on many opinions and activities, particularly in Albania.

Mt Wiene informed the Council that the Congress was not able to observe the local elections in Serbia and the decision to observe local elections in Ukraine and Bosnia and Herzegovina remained to be taken.

3. Activities since the last meeting

Please see document [CDL-EL\(2020\)003](#). The secretariat specified that the opinions on the draft law on elections of Montenegro and Ukraine should be sent to authorities before the next plenary session, via urgent procedure. In addition, the reports on election dispute resolution and the use of digital technologies and elections will be submitted for adoption at the October 2020 plenary session. The secretariat recalled that the next (17th) European Conference of Electoral Management Bodies will be held in Strasbourg, 12 and 13 November 2020 and announced that the 3rd Scientific Electoral Experts Debates, will be held online, probably take place in early 2021.

4. Date of the next meeting

The Council fixed the date of its next meeting for Wednesday, 7 October 2020 at 10.00 am.

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**VENICE COMMISSION / COMMISSION DE VENISE****Members of the Council for Democratic Elections (CDE) / Membres du Conseil des élections démocratiques (CED)**

Mr Srdjan DARMANOVIC (apologised/excused)
Mr Ben VERMEULEN (apologised/excused)
Mr Oliver KASK (Chair/Président)
Ms Janine OTÁLORA MALASSIS (apologised/excused)

Substitute Members of the CDE / Membres suppléants du CED

Mr Richard BARRETT
Mr Eirik HOLMØYVIK
Ms Katherina PABEL
Mr Pere VILANOVA TRIAS

Other members of the Venice Commission / Autres membres de la Commission de Venise

Mr Paolo CAROZZA
Mr Rafael RUBIO NUNEZ
Mr José Luis VARGAS VALDEZ

Secretariat / Secrétariat

Mr Thomas MARKERT
Ms Simona GRANATA-MENGHINI
Mr Pierre GARRONE
Mr Gaël MARTIN-MICALLEF
Mr Michael JANSSEN

Experts

Mr Samuel DOMINIONI
Mr Alberto GUEVARA CASTRO
Mr Serhii KALCHENKO

PARLIAMENTARY ASSEMBLY / ASSEMBLEE PARLEMENTAIRE**Members / Membres**

Mr Antonio GUTIERREZ, Committee on Legal Affairs and Human Rights/Commission des questions juridiques et des droits de l'homme
Mr Piero FASSINO, Committee on Political Affairs and Democracy/Commission des questions politiques et de la démocratie (apologised/excused)
Mr Tiny KOX, Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee)/ Commission pour le respect des obligations et engagements des Etats membres du Conseil de l'Europe (Commission de suivi)

Substitute members / Membres suppléants

Sir Christopher CHOPE, Committee on Legal Affairs and Human Rights/Commission des questions juridiques et des droits de l'homme (apologised/excused)
Mr Corneliu Mugurel COZMANZIUC, Committee on Political Affairs and Democracy/Commission des questions politiques et de la démocratie (apologised/excused)
Mr Aleksander POCIEJ, Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee)/ Commission pour le respect des obligations et engagements des Etats membres du Conseil de l'Europe (Commission de suivi)

Secretariat / Secrétariat

Mr Chemavon CHAHBAZIAN

Mr Bas KLEIN

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES (CLRAE) / CONGRES DES POUVOIRS LOCAUX ET REGIONAUX (CPLRE)

Members / Membres

Mr Jos WIENEN, Chamber of Local Authorities/Chambre des pouvoirs locaux

Mr Stewart DICKSON, Chamber of Regions/Chambre des régions

Substitute members / Membres suppléants

Mr Vladimir PREBILIC, Chamber of Local Authorities/Chambre des pouvoirs locaux (apologised/excusé)

Ms Rosaleen O'GRADY, Chamber of Regions/Chambre des régions (apologised/excusée)

Secretariat / Secrétariat

Mr Adam DRNOVSKY

Ms Renate ZIKMUND

DIRECTORATE GENERAL OF DEMOCRACY / DIRECTION GENERALE DE LA DEMOCRATIE (DGII)

OBSERVERS / OBSERVATEURS

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

Office for Democratic Institutions and Human Rights (ODIHR) / Bureau des institutions démocratiques et des droits de l'Homme (BIDDH)

Mr Alexander SHLYK, Head of the Elections Department

EUROPEAN UNION / UNION EUROPEENNE

European External Action Service (EEAS) / Service européen pour l'action extérieure (SEAE)

European Parliament / Parlement européen

INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE (INTERNATIONAL IDEA)

INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS (IFES)

Ms Beata MARTIN-ROZUMIŁOWICZ, Director for Europe and Eurasia