



Strasbourg, 27 October 1997
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

32nd Meeting
(Venice, 17-18 October 1997)

S Y N O P S I S

The Commission:

- was informed by Ambassador Warin, Chairman of the Ministers' Deputies, of the results of the Second Summit of Heads of State and Government of the Council of Europe, which took place in Strasbourg on 10-11 October 1997;
- was informed by Ambassador Matek, Permanent Representative of Croatia to the Council of Europe and Chairman of the Ad Hoc Working Party on Partial Agreements on the work of this Group;
- was informed by Ms Err, Chair of the Sub-Commission on Human Rights of the Parliamentary Assembly, of the Assembly's work in fields of common interest and in particular of the work of the Sub-Commission which she chairs;
- took note of the opinions of Messrs Lundum, Said Pullicino and Suviranta (CDL (97) 30, 34 and 47) on the question of the control of internal security services in Europe; held an exchange of views with Ms Err on this subject; decided to draw up, for the next meeting, a consolidated report which will be forwarded to the Committee on Human Rights and Legal Affairs of the Parliamentary Assembly;
- was informed by Mr Imami, Minister of State for Legislative Reform and for Relations with the People's Assembly, on recent constitutional developments in Albania and of the work on the drawing up of the new Constitution; reconfirmed its availability to co-operate with Albania, in particular within the framework of the drawing up of a new Constitution and to this end, created a Task Force made up of a certain number of its members;
- adopted the opinions presented by Messrs Bartole and Endzins on the question of the control of constitutionality in Armenia (CDL (97) 35 and 38), and decided to forward them to the Armenian authorities; confirmed its availability to study a draft Armenian electoral Code;
- was informed by Mr Hajiyev on recent constitutional developments in Azerbaijan; held an exchange of views on the draft Constitution of the Autonomous Republic of Nakhtchevan on the basis of opinions by Messrs Malinverni, Suviranta and Lesage (CDL (97) 45, 46 and 48 rev); instructed the

Secretariat to prepare a consolidated opinion on this question;

- adopted the report presented by Mr Scholsem on the question of powers of the State of Bosnia and Herzegovina in penal matters according to the Constitution appended to the Dayton Agreement;
- was informed by Messrs Batliner, Scholsem, Ms Serra Lopes, Messrs Gil Robles and Bardiaux on the work of the Council of Europe Working Group on the setting up of an Ombudsman in the Republika Srpska;
- adopted the opinion drawn up by Messrs Economides and Malinverni, at the request of the Office of the High Representative of the international community of Bosnia and Herzegovina, on certain aspects of the constitutional crisis in the Republika Srpska (CDL (97) 28 rev and 44);
- was informed by the Secretariat and Ms Auclair, Deputy Human Rights Ombudsperson for Bosnia and Herzegovina, on the seminar on property issues which took place in Sarajevo on 30 September 1997;
- was informed by Ambassador Matek, Permanent Representative of Croatia to the Council of Europe on the progress of work on the revision of the Croatian constitutional law on human rights and the rights of national or ethnic communities or minorities and on the setting up of the Council of Ethnic and National Communities or Minorities (CDL (97) 29);
- was informed by the Secretariat on the results of the meeting of the international advisers with the Croatian Constitutional Court (Zagreb, 23 June 1997) and noted that to date no case has been referred to the advisers;
- was informed by Mr Loot on the Seminar on the Five Years of the Application of the Constitution of Estonia, which took place in Tallin on 26-27 September 1997 (CDL (97) 43); stated its availability to help Estonia with the revision of its Constitution with a view to accession to the European Union;
- adopted the questionnaire on the influence of European integration on the constitutional law in the member States of the European Union (CDL-UE (97) 1);
- was informed by Mr Suviranta on the draft revision of the Constitution of Finland (cf. CDL (97) 39);
- was informed by Mr Gavrilesco that the draft Romanian law on the organisation of Ministries will be forwarded to the Commission for opinion as soon as it is ready;
- took note of the opinion of Mr Bartole on the draft Bill on Referendums of "the Former Yugoslav Republic of Macedonia" (CDL (97) 42);
- held an exchange of views on the question of the death penalty in Ukraine, on the basis of the opinions of Messrs Batliner, Helgesen, Klu_ka and Malinverni (CDL (97) 15, 31, 32 and 33), with a view to the drawing up of the consolidated opinion, requested by the Parliamentary Assembly, which will be submitted to the Commission at its next meeting;
- signed with Mr Titus, Director General, South African Department of Constitutional Development and Mr Christen, Head of the Peace Policy Section, Swiss Federal Department of Foreign Affairs, a framework agreement relating to the establishment of Chairs in Intergovernmental Relations in two South African Universities;
- was informed by Mr Russell on the recent constitutional developments in Belarus, and in particular on

- the difficulties encountered by the Tripartite Conference;
- was informed by Mr Demetrashvili on the seminars in the field of constitutional justice which will be organised in Georgia;
 - adopted the report on the composition of constitutional Courts (CDL-JU (97) 34);
 - was informed by Mr Economides on the meeting of the Sub-Commission on International Law which took place in Santorini on 27 September 1997, and of the fact that the revised version of the report on the legal foundation of foreign policy will be submitted to the Commission during its next meeting;
 - was informed by the Secretariat on the progress of work on the report concerning the participation of minorities in public life (cf. CDL-MIN (97) 2);
 - was informed by Mr Maas Geesteranus on the meeting of the UniDem Governing Board (16 October 1997), as well as on the results of the Round Table which was held in Santorini on 26-27 September 1997, on the legal foundation of foreign policy; decided to take part in a seminar to be organised in Montpellier in July 1998 on European constitutional heritage and constitutional jurisprudence and to contribute to a seminar on constitutional transformation in the Caucasian States;
 - was informed by the President La Pergola and the Argentinian Observer of the decision to create COVENARG (Venice Commission for Argentina), which could become COVENAL (Venice Commission for Latin America);
 - took note of the letter from Ms Milenkova regarding a question of removal of parliamentary immunity;
 - confirmed that its 33rd meeting will take place on 12-13 December 1997 and decided that the Plenary Meetings in 1998 will take place on 6-7 March, 12-13 June, 16-17 October and 11-12 December.

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