



Strasbourg, 3 June 2016

**CDL-JU-OJ(2016)002 rev. 2**  
Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**15<sup>th</sup> meeting of the Joint Council  
on Constitutional Justice**

**Scuola Grande San Giovanni Evangelista,  
Venice, Italy**

**7 June 2016, 2 p.m. – 6 p.m.**

**8 June 2016, 9 a.m. – 5 p.m.**

**(Training session on 7 June 2016  
from 10.30 a.m. to 12.30 p.m.)**

**DRAFT ANNOTATED AGENDA**

**Tuesday, 7 June 2016**

## **A. Training session**

**(10.30 a.m. – 12.30 p.m.)**

The Secretariat will present the various IT- tools at the disposal of the liaison officers:

- a) Password reset procedure;
- b) Public and restricted Web-site of the Venice Commission, including the list of Courts, the list of secretaries general, the list of liaison officers, regional and linguistic groups, the World Conference on Constitutional Justice, opinions and reports;
- c) Venice Forum, including Newsgroup, classic Venice Forum and the Constitutional Justice Media Observatory;
- d) CODICES database.

The Secretariat will make a presentation on the preparation of précis, focusing on headnotes and indexing.

## **B. Joint Council meeting**

**(2 p.m. – 6 p.m.)**

### **1. Adoption of the Agenda**

### **2. Election of a liaison officer as Co-President of the Joint Council on Constitutional Justice**

The liaison officers are kindly requested to indicate nominations for the co-presidency to the Secretariat before the meeting.

### **3. Communication by the Secretariat**

The Secretariat will inform the participants about the current activities of the Venice Commission.

### **4. Updating data on the participating courts**

Liaison officers are invited to let the Secretariat know whether the information regarding their Courts is correct (please log on at

<https://cas.coe.int/cas/login?service=http://www.venice.coe.int/Account/login.aspx> before you use the links below).

<http://www.venice.coe.int/webforms/courts/>

<http://www.venice.coe.int/WebForms/contacts/Default.aspx?cat=LO>

<http://www.venice.coe.int/WebForms/cocentre/new.aspx>

## 5. Venice Forum

### 5.a. “Classic” Venice Forum

The Secretariat will report on the exchange of information on the ‘Classic’ Venice Forum.

Link:

<https://cs.coe.int/team21/veniceforum/SitePages/Classic%20Venice%20Forum.aspx>

Year	Number of questions received (in total)	Number of answers received (in total)
2015	34	567
2016 (up to 30 March)	10	143
<b>TOTAL</b>	<b>44</b>	<b>710</b>

### 5.b. Venice Forum Newsgroup

The Newsgroup, which includes the “classic” Venice Forum, the Constitutional Justice Observatory and the Interim Bulletin, is used by the Secretariat to inform liaison officers about accessions to the World Conference on Constitutional Justice (WCCJ) and appointments of Presidents to Courts.

Liaison officers are alerted every Friday at 15:00 CET about any new items that are added to the Newsgroup during the week.

Liaison officers, who are new or who have not received these alerts or who cannot access the Venice Forum, are invited to contact the Secretariat.

Liaison officers may also register with the Secretariat for weekly Observatory messages.

Link to the Observatory archive:

<https://cs.coe.int/team21/veniceforum/SitePages/Observatory.aspx>

## 6. Opinions and studies of the Venice Commission

Participants will be informed about opinions and reports on constitutional justice, adopted by the Venice Commission since the last meeting of the Joint Council that took place in Bucharest, Romania on 11-12 June 2015.

Albania	Interim Opinion on the Draft Constitutional Amendments on the Judiciary of Albania ( <a href="#">CDL-AD(2015)045</a> ).
Armenia	Preliminary Opinion on the draft Amendments to the Constitution (Chapters 1 to 7 and 10) of the Republic of Armenia ( <a href="#">CDL-AD(2015)037</a> ).
	Second Preliminary Opinion on the draft Amendments to the Constitution (in particular to Chapters 8, 9 and 11 to 16) of the Republic of Armenia ( <a href="#">CDL-AD(2015)038</a> ).
Bulgaria	Opinion on the Draft Act to Amend and Supplement the Constitution of the Republic of Bulgaria ( <a href="#">CDL-AD(2015)022</a> ).
Georgia	Amicus Curiae Brief on the non ultra petita rule in criminal cases for the Constitutional Court of Georgia ( <a href="#">CDL-AD(2015)016</a> ).

	Preliminary Opinion on the Amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings ( <a href="#">CDL-PI(2016)005</a> )
Kyrgyzstan	Joint Opinion on the draft law "on the introduction of changes and amendments to the Constitution" of the Kyrgyz Republic ( <a href="#">CDL-AD(2015)014</a> ).
	Opinion on the Rules of Procedure of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic ( <a href="#">CDL-AD(2015)023</a> ).
Poland	Opinion on amendments to the Act of 25 June 2015 on the Constitutional Tribunal of Poland ( <a href="#">CDL-AD(2016)001</a> )
Russian Federation	Interim Opinion on the amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation ( <a href="#">CDL-AD(2016)005</a> )
Tunisia	Opinion on the draft organic Law on the Constitutional Court of Tunisia ( <a href="#">CDL-AD(2015)024</a> ).
Ukraine	Preliminary Opinion on the amendments to the Constitution of Ukraine regarding the judiciary as proposed by the working group of the Constitutional Commission in July 2015 ( <a href="#">CDL-AD(2015)026</a> ).
	Opinion on the proposed amendments to the Constitution of Ukraine regarding the judiciary as approved by the Constitutional Commission on 4 September 2015 ( <a href="#">CDL-AD(2015)027</a> ).
Venice Commission Compilations	Compilation of Venice Commission opinions and reports on Constitutional Justice ( <a href="#">CDL-PI(2015)002</a> ).
	Compilation of Venice Commission opinions and reports on constitutional amendment ( <a href="#">CDL-PI(2015)023</a> ).

The Secretariat will inform participants about the progress made in the updating of the Report on the composition of constitutional courts (CDL-STD(1997)020) and the Study on Individual Access to Constitutional Justice (CDL-AD(2010)039rev).

## 7. Co-operation activities

### 7.a. Co-operation with the Conference of European Constitutional Courts (CECC)

Participants will be informed about the Venice Commission's co-operation with the Conference of European Constitutional Courts (CECC). See also under 11.b. below.

9 September 2015	Batumi, Georgia – Constitutional Court of Georgia hosted the Preparatory meeting of the Circle of Presidents for the XVII <sup>th</sup> Congress of the CECC.
28 June -1 July 2017	Batumi, Georgia – The CECC will hold its XVII <sup>th</sup> Congress on the topic "Role of Constitutional Courts in upholding and applying Constitutional Principles".

### 7.b Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)

Participants will be informed about the Venice Commission's co-operation with the Association of Constitutional Courts using the French Language (ACCPUF).

26 September 2016	Chisinau, Republic of Moldova – Conference of Heads of Institutions of the ACCPUF.
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### 7.c. Co-operation with the Southern African Chief Justices Forum (SACJF)

Participants will be informed about the Venice Commission's co-operation with the Southern African Chief Justices Forum (SACJF).

22-25 September 2016	Windhoek, Namibia - SACJF Conference on Contemporary Issues of the prevention of transnational organised crime with special reference to cybercrime, terrorism, money laundering, human trafficking and proliferation – The Judiciary's Response”
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**7.d. Co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND)**

Participants will be informed about the co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND) and the Venice Commission.

8-10 October 2015	Yerevan, Armenia – XXth Yerevan International Conference on “The role of Constitutional Courts in strengthening the independence of the judicial power: doctrinal approaches and contemporary challenges”.
21-22 October 2016	Yerevan, Armenia – The Constitutional Court of Armenia, the Venice Commission and the Conference of the CCCOCND will co-organise a conference on “The role and importance of constitutional court decisions in addressing legislative gaps and legal uncertainty”.

**7.e. Co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)**

Participants will be informed about the co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) and the Venice Commission.

15-16 August 2015	Jakarta, Indonesia – Board meeting of the AACC and International Symposium on the “Constitutional Complaint as an Instrument for Protecting Fundamental Rights of Citizen”, in Celebration of the 12 <sup>th</sup> Anniversary of the Constitutional Court of Indonesia.
8-13 August 2016	Nusa Dua, Indonesia – The AACC will hold its 3 <sup>rd</sup> Congress.

**7.f. Co-operation with the Ibero-American Conference of Constitutional Justice (CIJC)**

Participants will be informed about the co-operation with the Ibero-American Conference of Constitutional Justice (CIJC) and the Venice Commission.

28 June – 1 July 2016	Lima, Peru – XI <sup>th</sup> meeting of the CIJC.
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**7.g. Co-operation with the Union of Arab Constitutional Courts and Councils (UACCC)**

Participants will be informed about the co-operation with the Union of Arab Constitutional Courts and Councils (UACCC) and the Venice Commission.

28-29 February 2016	Dead Sea, Jordan – Conference on the “Arab Constitutional Courts and Councils: Possible Reforms and Challenges in Light of Regional Changes” for the members of the UACCC.
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### 7.h. Co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP)

Participants will be informed about the co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP) and the Venice Commission.

7-8 April 2016	Brasília, Brazil – IV <sup>th</sup> General Assembly of the CJCPLP on the topic "The effectiveness of constitutional guarantees in Portuguese-Speaking Countries".
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### 7.i. Co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA)

Participants will be informed about the co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA) and the Venice Commission.

11-12 June 2015	Bucharest, Romania – The Deputy Secretary General of the CCJA, participated in the 14 <sup>th</sup> meeting of the Joint Council on Constitutional.
23-26 April 2017	Cape Town, South Africa – The CCJA will hold its IV <sup>th</sup> Congress on the topic of "Strengthening of the Independence of the Judiciary and the Respect for the Rule of Law".

## 8. World Conference on Constitutional Justice (WCCJ)

Since the WCCJ's Statute entered into force on 24 September 2011, 98 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice have acceded to the WCCJ. The updated list of members is available at: [www.venice.coe.int/WCCJ](http://www.venice.coe.int/WCCJ).

12 March 2016	Venice, Italy – 10 <sup>th</sup> meeting of the Bureau
11 March 2017	Venice, Italy – 11 <sup>th</sup> meeting of the Bureau
11-14 September 2017	Vilnius, Lithuania – 4 <sup>th</sup> Congress of the WCCJ.

## 9. Seminars and conferences with Constitutional Courts (CoCoSem)

Participants will be informed about the Venice Commission's participation in seminars/conferences since the last Joint Council meeting as well as the programme for future CoCoSem seminars.

2015 – completed events since the last JCCJ meeting	
25-26 June 2015	Batumi, Georgia – The Venice Commission co-organised together with the Constitutional Court of Georgia, the GIZ and Human Dynamics Consortium, the 5 <sup>th</sup> Black Sea International Conference on "Liberty and security: increasing the effectiveness of the constitutional complaint".
9-10 September 2015	Batumi, Georgia – The Venice Commission participated in the International Conference co-organised with the Constitutional Court of Georgia on the "Application of international treaties by Constitutional Courts and equivalent bodies: challenges to the dialogue".

17-18 September 2015	Dushanbe, Tajikistan, The Venice Commission participated in the international conference on «Constitutional Justice as a guarantee of the Supremacy of the Constitution»
24-25 September 2015	Chisinau, Republic of Moldova – The Venice Commission co-organised together with the Constitutional Court of the Republic Moldova, a Conference on the “Relations of the Constitutional Court with other public authorities”.
2 October 2015	Baku, Azerbaijan – The Venice Commission co-organised together with the Constitutional Court of Azerbaijan, a multilateral conference on the “Protection of constitutional rights and freedoms by means of individual complaint”.
8-10 October 2015	Yerevan, Armenia – The Constitutional Court of the Republic of Armenia, the Venice Commission and the Conference of the Constitutional Control Organs of the Countries of New Democracy co-organised the 20 <sup>th</sup> Annual Yerevan International Conference. The subject of the Conference was “The Role of Constitutional Courts in Strengthening the Independence of the Judicial Power: Doctrinal Approaches and Contemporary Challenges”.
16 October 2015	Pristina, Kosovo – The President of the Venice Commission participated in the Opening of the judicial year of the Constitutional Court of Kosovo (which became a member of the Venice Commission on 12 September 2014).
28-29 October 2015	Strasbourg, France, Conference of Central Asian constitutional control bodies on “The Role of the Constitutional Court in safeguarding the Supremacy of the Constitution”
10-12 November 2015	Taipei, Taiwan – A member of the Secretariat of the Venice Commission visited the Constitutional Court of Taiwan for discussions on the work of the Council of Europe and the World Conference on Constitutional Justice (WCCJ).
19-20 November 2015	St. Petersburg, Russian Federation – The Institute for Law and Public Policy, under the auspices of the Association of Lawyers of Russia and with the support of the Venice Commission, organised the Fifth All-Russian Moot Court Competition for the Russian law school students’ teams called “Crystal Goddess of Justice”.
<b>2016</b>	
25-26 April 2016	Ankara, Turkey – The President of the Venice Commission participated in the Symposium on the occasion of the 54 <sup>th</sup> anniversary of the Constitutional Court of Turkey on “The Effects of Judgments concerning Constitutional Complaints”.
17 May 2016	Saint-Petersburg, Russian Federation, The President of the Venice Commission participated in the international conference in commemoration of the 25 <sup>th</sup> anniversary of the activity of the Constitutional Court of the Russian Federation on “Modern Constitutional Justice: Challenges and Prospects”
20 May 2016	Chisinau, Republic of Moldova, The Venice Commission participated in the Roundtable on „Constitutionality of Constitutional Amendments”.
26-27 May 2016	Riga, Latvia – Conference on "Judicial Activism of Constitutional Courts in a Democratic State" at the occasion of the 20 <sup>th</sup> anniversary of the Constitutional Court of Latvia.
30 May – 1 June 2016	Bucharest, Romania – The Venice Commission participated in the conference on “The role of Assistant-Magistrates in the jurisdiction of constitutional courts”, organised by the Constitutional Court of Romania.
<b>upcoming</b>	
29 June – 1 July 2016	Chisinau, Republic of Moldova, The Venice Commission will participate in the 1 <sup>st</sup> Congress of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions.

9-12 September 2016	Batumi, Georgia – The Venice Commission co-organises the International Conference on “Constitutional Justice in Transitional Democracy: Success and Challenges of Constitutional Review in Georgia and Eastern Europe”, dedicated to the 20th anniversary of the Constitutional Court of Georgia.
7-8 October 2016	Kiev, Ukraine – Conference on the occasion of the 20 <sup>th</sup> anniversary of the Constitutional Court of Ukraine. This event is co-organised by the Constitutional Court and the Venice Commission.
<b>2017</b>	
March 2017	Chisinau - Conference in cooperation with the Constitutional Court of the Republic of Moldova
18-19 May 2017	Karlsruhe, Germany, 16 <sup>th</sup> meeting of the Joint Council on Constitutional Justice
between May and July 2017	Minsk, Belarus – International conference on research and practice on the role of Constitutional Courts in ensuring the rule of law.

## **10. Publication of the Bulletin on Constitutional Case-Law**

### **10.a Regular issues of the Bulletin**

The Secretariat will invite liaison officers to discuss any issues concerning the preparation of contributions to the Bulletin: headnotes, indexing, cross-references, etc.

### **10.b Special Bulletins**

The Secretariat will inform the participants about the progress in the preparation of the working document for the XVII<sup>th</sup> Congress of the CECC.

Liaison officers will be invited to discuss any issues concerning the preparation of contributions.

The working document will be published as a special edition of the Bulletin on Constitutional Case-Law in 2017.

## **11. CODICES database**

Participants are invited to discuss their use of CODICES and to propose improvements to the database.

The Secretariat will also inform the participants about the progress made with the new database.

## **12. Updating and indexing of constitutions, laws and descriptions in CODICES**

Participants will be informed about the progress made in updating constitutions, laws on and descriptions of courts (see Status of Updates of constitutions and laws in CODICES (CDL-JU(2016)003).

Participants are also invited to inform the Secretariat about issues related to delays in the updating of information.



### **13. Documentation Centre on Constitutional Justice / Library**

The Secretariat will inform the participants about the relocation of part of the library due to a limitation of space.

The Secretariat will thank the participating courts for their contributions to the Documentation Centre. The list of documents is available at:

<http://www.venice.coe.int/WebForms/cocentre/default.aspx>

### **14. Other business**

### **15. Date and place of the next meeting**

On 18-19 May 2017, the Federal Constitutional Court of Germany will be hosting the 16<sup>th</sup> meeting of the Joint Council on Constitutional Justice in Karlsruhe, Germany.

## PROGRAMME

### MINI CONFERENCE on “Migration”

**Wednesday, 8 June 2016 (9 a.m.-5 p.m.)**

### MINI CONFÉRENCE « Migration »

**mercredi, 8 juin 2016 (9h00-17h00)**

#### MORNING SESSION / SÉANCE DU MATIN

#### **09:00 – 09:30      OPENING / OUVERTURE**

Ms / Mme Tanja Gerwien, Legal Officer, Division on Constitutional Justice of the Venice Commission / Juriste, Division de la Justice constitutionnelle de la Commission de Venise

#### **09:30 – 10:00      Access to justice? Migration cases before the Constitutional Court of Hungary / Accès à la justice? Les Cas d'immigration devant la Cour constitutionnelle de Hongrie**

Ms / Mme Krisztina KOVACS, Counsellor to the former President of the Constitutional Court of Hungary, Co-President of the Joint Council on Constitutional Justice / Conseiller de l'ancien président de la Cour constitutionnelle de Hongrie, Co-président du Conseil mixte sur la justice constitutionnelle

#### **10:00 – 10:30      The European Court of Human Rights' case-law related to migration / asylum issues / La jurisprudence de la Cour européenne des droits de l'homme liés aux questions de la migration / au droit d'asile**

Ms / Mme Ana VILFAN-VOSPERNIK, Senior Lawyer, Registry, European Court of Human Rights / Juriste principal, Greffe, Cour européenne des Droits de l'Homme

#### **10:30 – 11:00      Discussions**

#### **11:00 – 11:30      Coffee break / Pause-café**

#### **11:30 – 12:00      The Constitutional Court of Chile's case law on migration / La jurisprudence de la Cour constitutionnelle du Chili sur la migration**

Mr / M. Cristián GARCIA MECHSNER, Director of Studies at the Constitutional Court of Chile / Directeur des études à la Cour constitutionnelle du Chili

- 12:00 – 12:30 **Recent Judgments by the Constitutional Court of the Czech Republic on migration/asylum issues / Arrêts récents de la Cour constitutionnelle de la République tchèque sur la migration/ le droit d'asile**
- Ms / Mme Tereza SKARKOVA, Analyst, Constitutional Court of the Czech Republic / Analyste, Cour constitutionnelle de la République tchèque
- 12:30 – 13:00 Discussions
- 13:00 – 15:00 **Lunch at the Scuola Grande San Evangelista / Déjeuner à la Scuola Grande San Giovanni Evangelista**

**AFTERNOON SESSION / SÉANCE DE L'APRÈS-MIDI**

- 15:00 – 15:30 **Asylum and shelter. Recent Judgments by the Dutch Council of State / Asile et accueil. Arrêts récents du Conseil d'Etat néerlandais**
- Ms / Mme Marjolein VAN ROOSMALEN, legal adviser at the Council of State of the Netherlands / Conseiller juridique au Conseil d'Etat des Pays-Bas
- 15:30 – 16:00 **Turkish Constitutional Court decisions on interim measures regarding expulsion procedures / Décisions de la Cour constitutionnelle turque sur les mesures provisoires concernant les procédures d'expulsion**
- Mr / M. Serhat KÖKSAL, Rapporteur-Judge, Constitutional Court of Turkey / Juge-rapporteur, Cour constitutionnelle de Turquie
- 16:00 – 16:15 Discussions
- 16:15 – 16:45 **Migration and the Legal Status of Foreigners in the Republic of Moldova / Migration et le statut juridique des étrangers en République de Moldova**
- Ms / Mme Rodica SECRIERU, Secretary General, Constitutional Court of the Republic of Moldova / Secrétaire général, Cour constitutionnelle de la République de Moldova
- 16:45 – 17:15 **Migration, citizenship and the legal status of foreigners in Portugal – a few brief notes / Migration, citoyenneté et le statut juridique des étrangers au Portugal – quelques brèves notes**
- Ms / Mme Manuela BAPTISTA LOPES, Secretary General, Constitutional Tribunal of Portugal / Secrétaire général, Tribunal constitutionnel du Portugal
- 17:15 – 17:30 Discussions
- 17:30 – 18:00 **CLOSING / CLÔTURE**