



Strasbourg, 22 November 2013

CDL-LA-PV(2013)001
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

SUB-COMMISSION ON LATIN AMERICA
Mexico City, Thursday, 24 October 2013 at 8:00 am

MEETING REPORT

1. Adoption of the agenda

The agenda was adopted as it appears in the document CDL-LA-OJ(2013)001.

2. Communication by the Chair of the Sub-commission

Ms María del Carmen Alanis Figueroa pointed out the importance of this meeting of the Sub-Commission on Latin America, as it was the first time the Sub-Commission met outside Venice and in Latin America. The Chair also welcomed the distinguished guests from non-member States from the region as well as the representative of the OAS.

In her opinion, the Sub-Commission had a double goal: to support exchanges of experiences between the European and Latin American countries and to become a forum for building regular exchanges between all countries from the region.

During 2013, several activities were organised by the Venice Commission in Latin America. The opinion on the Electoral legislation of Mexico was adopted in June 2013 (CDL-AD(2013)021) and was then transmitted to the electoral stakeholders involved in the current electoral reform in Mexico. The Electoral Tribunal of Mexico also translated many important documents of the Venice Commission into Spanish in order to promote knowledge of the Venice Commission and its principles and its main standards.

The VOTA agreement between the Venice Commission and the Federal Electoral Tribunal of Mexico was concluded, with the official signature on 23 October 2013 of the text and the enlargement of the database to all Latin American countries, including countries which are not members of the CDL.

Ms Rocha Antunes informed the Sub-Commission that the Electoral Supreme Court of Brazil has a database with its case law and legislation in the electoral field in English, Spanish and Portuguese and that this database could be shared with VOTA in order to make these documents available through VOTA.

Mr Urviola Hani informed the participants about the regional conference on individual access to constitutional justice, co-organised by the Constitutional Court of Peru and the Venice Commission in May 2013 in Arequipa, Peru. The materials of the Congress were published and Mr Urviola distributed the books during the meeting of the Sub-Commission.

Finally, the Chair referred to the International Congress on the Implementation of International Human Rights treaties in domestic Law, launched as a kick-off seminar for the Study proposed by the Sub-Commission on the same topic, and which was held in Mexico from 23 to 25 October 2013. All members and guests were warmly invited to take an active part in its work.

3. Communication by the President of the Venice Commission

Mr Buquicchio underlined the importance of cooperation with Latin America for Europe and how this cooperation with the region was the initial idea of the founder of the Venice Commission, Mr A. La Pergola. Until 2002, the countries from Latin America were only observer States, but with the change of the Statute of the Commission and its transformation into an enlarged agreement, the Venice Commission was opened to non-European States. In Latin America, the first country to join was Chile, followed by Peru, Mexico and Brazil. The Latin-American members of the Commission also re-established the Sub-Commission on Latin America, which was the first step towards a possible creation of a Sister-Commission for Latin America.

Different ways to increase further cooperation between the Venice Commission and Latin American countries not members of the Venice Commission were discussed:

- a. Taking into account that many representatives present in the meeting were members of Constitutional Courts, **the President of the VC invited formally all Courts from Latin America to join the World Conference of Constitutional Justice.**
- b. Participating states were also invited to contribute more actively to the VOTA and CODICES databases of the Venice Commission.
- c. The possibility of becoming a member of the VC was debated, even though any new request for accession would have to go through the approval of the CM of the COE.
- d. An alternative way of cooperation with the Venice Commission could be through the Sub-Commission on Latin America. It would include a possibility to attend its meetings, participate in its activities, exchange experiences and maybe even to request opinions. An appropriate mechanism should be found to facilitate these objectives. The President invited formally all non-members from Latin America to participate in the work of the Sub-Commission.

The Memorandum of Understanding signed with the OAS could be an element to channel cooperation with Latin America in the framework of the Sub-Commission.

Mr Ruddy Flores, President of the Constitutional Court of Bolivia, supported the words of the President and stated the wish of the Constitutional Court of Bolivia to access the WCCJ, as well as the intention of Bolivia to work with the VC, based on the very positive experience of cooperation in 2010 and 2011.

The Sub-Commission therefore agreed to:

- **Open VOTA to all Latin American countries and to invite them to start sending their contributions to the database**
- **Invite all Latin American who wanted to participate in the work of the Sub-Commission on Latin America to inform the Secretariat about their interest.**

4. Communication by the OAS

The Sub-Commission welcomed Ms Sara Mia Noguera, Head of Studies and projects at the Department on Electoral Cooperation and Observation of the OAS. Ms Noguera explained that the OAS created in 2010, together with the Electoral Courts of Argentina, Brazil, Chile, Costa Rica, Ecuador, Mexico, Panama, Peru and Dominican Republic, a Working Group on exchange of electoral case-law. A web site with case-law was created and several publications with main case-law in the electoral field had already been issued.

This Working Group was evaluating a possibility to become an advisory body on electoral matters. Departing from the Memorandum of Understanding signed in 2011 between the COE and the OAS aimed at increasing cooperation, the OAS proposed to the Venice Commission, through its Sub-Commission on Latin America, the following fields of cooperation:

- a. The assessment by the Sub-Commission on the strengthening of this Working Group, accompanying it towards becoming a consultative body.
- b. To invite the Venice Commission to participate in the next meeting of the working group on electoral case-law, which would take place in Panama in 2014. In this meeting, the Working Group would formally decide on the creation of the new body in the electoral field.
- c. To invite the Sub-Commission on Latin America as a permanent observer in the meetings of the new electoral assessment body.

The Sub-Commission requested the Secretariat to prepare a draft memorandum on specific cooperation with this new structure inside the OAS. The subsequent cooperation proposal should be submitted for approval to the Sub-Commission.

5. Road-map for the activities on Latin-America in 2014

The Chair proposed to conduct two sets of activities in 2014 in order to further strengthen the cooperation with Latin America by the Venice Commission through the Sub-Commission: meetings on specific topics and studies on issues of common interest.

Ms Rocha Antunes informed the participants that Brazil could host two activities in 2014: an International Congress and the next meeting of the Sub-Commission on Latin America. She suggested that work of the Congress could be broadcasted live to the entire Latin America.

The second proposal was to launch a new study on issues relevant to the Americas. Ms Biglino proposed to conduct a comparative analysis of the work of both the European and the Inter-American Courts of Human Rights on two specific topics: equality and legal security and rule of law. Ms Rocha Antunes proposed to link the International Congress in Brazil in 2014 to the issue of the constitutional effectiveness of Human Rights mechanisms and respect for Rule of Law and Human Rights in times of economic crisis.

The Sub-Commission agreed to:

- **Organise an International Congress on Effectiveness of Human Rights in times of crisis: respect for Rule of Law in Ouro Preto, Brazil, 2014.**
- **Launch a new Study on the topic of the seminar**
- **Submit to the Scientific Council the topic for approval.**

6. Date and place of the next meeting of the Sub-Commission

The next meeting of the Sub-Commission on LA will take place in May in Ouro Preto, Brazil, in May 2014.

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS

Venice Commission

Andorra

Mr Miguel Angel CANTURRI, Ambassador, Member of the Venice Commission

Brazil

Ms Carmen Lucia ROCHA ANTUNES, Judge of the Supreme Court of Brazil, President of the Electoral Court, Substitute member of the Venice Commission

Bulgaria

Mr Evgeni TANCHEV, Former President of the Constitutional Court of Bulgaria, Member of the Venice Commission

Czech Republic

Ms Veronika BILKOVA, Professor, University Karlova, Member of the Venice Commission

Germany

Ms Anne PETERS, Director Institute Max-Planck, Heidelberg, Professor, Basel University, Member of the Venice Commission

Hungary

Mr Peter PACZOLAY, President of the Constitutional Court of Hungary, Honorary President of the Venice Commission

Italy

Mr Gianni BUQUICCHIO, President of the Venice Commission

Mexico

Ms Maria del Carmen ALANIS FIGUEROA, Chair, Judge of the Supreme Electoral Tribunal, Member of the Venice Commission)

Mr Manuel GONZALEZ OROPEZA, Judge of the Supreme Electoral Tribunal, Substitute Member

Montenegro

Mr Srdjan DARMANOVIC, Ambassador of Montenegro in the United States, Member of the Venice Commission)

Peru

Mr Carlos MESIA RAMIREZ, Judge of the Constitutional Court of Peru, Substitute Member of the Venice Commission

Mr Oscar URVIOLA HANI, President of the Constitutional Court of Peru, Member of the Venice Commission

Spain

Ms Paloma BIGLINO CAMPOS, Professor, University of Valladolid, Member of the Venice Commission

The Netherlands

Mr Pieter VAN DIJK, Former judge of the European Court of Human Rights and Former member of the Venice Commission

Secrétariat / Secretariat

Mr Serguei KOUZNETSOV

Ms Amaya UBEDA DE TORRES

Observers

Uruguay

Mr Jorge RUIBIAL PINO, President of the Supreme Court of Uruguay

Invitees

Bolivia

Mr Ruddy José FLORES MONTERREY, President of the CC of Bolivia

Colombia

Mr José Luis BARCELO CAMACHO, Judge, Supreme Court of Colombia

Costa Rica

Ms Zetty Maria BOU VALVERDE, Judge, Supreme Electoral Tribunal, Costa Rica

Ecuador

Mr Patricio PAZMIÑO FREIRE, President of the CC of Ecuador

Guatemala

Mr Héctor Hugo PEREZ AGUILERA, President of the CC of Guatemala

Venezuela

Sra. Gladys María GUTIÉRREZ ALVARADO, President of the SC of Venezuela

OAS

Ms Sara Mia NOGUERA, Head of the Project Department of DECO, OAS