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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

104th PLENARY SESSION
(Venice, 23-24 October 2015)

SYNOPSIS

The Commission

- Paid tribute to the late Mr Hubert Haenel, member of the Venice Commission in respect of France;
- Held an exchange of views with Mr Kristaq Traja, Chair of the High Level Expert Group on the Amendment of the Constitution of Albania, on the draft constitutional amendments focusing on European integration and the judiciary of **Albania**, and authorised the rapporteurs to send a preliminary opinion on these amendments to the Albanian authorities prior to the December Plenary Session;
- Endorsed the two preliminary opinions on the draft amendments to the Constitution of **Armenia** and held an exchange of views with Mr Galust Sahakyan, Speaker of the National Assembly of Armenia, on the process of constitutional reform in this country;
- Adopted the joint opinion by the Venice Commission and the Directorate of Human Rights (DGI) on the draft amendments to the Law on the Human Rights Defender of Armenia;
- Held an exchange of views with Ms Semiha Borovać, Minister for Human Rights and Refugees of **Bosnia and Herzegovina** and with Mr Borislav Bojić, Chair of the Joint Committee on Human Rights, and adopted the opinion on the draft Law on the Ombudsman for Human Rights in Bosnia and Herzegovina;
- Held an exchange of views with Mr Dimitar Lazarov, Chairperson of the Ad Hoc Committee for the amendment of the Constitution of **Bulgaria** and with Mr Hristo Ivanov, Minister of Justice of Bulgaria, and adopted the opinion on the draft amendments to the Constitution of Bulgaria in the sphere of the Judiciary, previously examined by the Sub-Commission on the Judiciary on 22 October 2015;
- Endorsed the preliminary joint opinion by the Venice Commission, the Consultative Council of European Prosecutors (CCPE) and the OSCE/ODIHR on the draft Amendments to the law on the Prosecutor's Office of **Georgia** and was informed on the adoption of this law by the Georgian parliament ;
- Held an exchange of views with Ms Chinara Aidarbekova, judge-secretary of the Constitutional Chamber of the Supreme Court of the **Kyrgyz Republic**, and adopted the opinion on the Rules of procedure of the Constitutional Chamber of the Kyrgyz Republic;
- Held an exchange of views with Mr Suad Numanović, Minister for Human and Minority Rights of **Montenegro**, and adopted the opinion on the draft law on amendments to the Law on Minority Rights and Freedoms of Montenegro;
- Congratulated **Tunisia** on the Nobel Prize for Peace for the “quartet”;
- Held an exchange of views with Ms Sihem Bensedrine, President of the Truth and Dignity Authority of Tunisia and with Ms Raoudha Mechichi, Legal Adviser to the President of the Republic of Tunisia, and adopted the interim opinion on the institutional aspects of the draft law on special procedures concerning reconciliation in the economic and financial fields of Tunisia, previously examined by the Sub-Commissions on Democratic Institutions and on Fundamental Rights on 22 October 2015;
- Adopted the opinion on the draft organic law on the Constitutional Court of Tunisia;

- With respect to **Ukraine**:
 - Decided not to provide an opinion on the alternative draft constitutional amendments regarding the **judiciary** prepared by the Reanimation Package of Reforms,
 - endorsed the preliminary opinion on the constitutional Amendments regarding the judiciary of Ukraine prepared by the Working Group of the Constitutional Commission of Ukraine;
 - held an exchange of views with Mr Oleksiy Filatov, Deputy Head of the Presidential Administration and Secretary of the Constitutional Commission, with Ms Oksana Syroyd, Vice-Speaker of the Verkhovna Rada, with Mr Serhiy Holovaty, representative of Mr Volodymyr Groysman, Speaker of the Verkhovna Rada, and with Mr Pavlo Petrenko, Minister of Justice of Ukraine, and adopted the final opinion on the revised draft constitutional amendments regarding the judiciary of Ukraine, adopted by the Constitutional Commission and previously examined by the Sub-Commission on the Judiciary on 22 October 2015;
 - endorsed the preliminary opinion on the draft constitutional Amendments regarding the Territorial Structure and Local Administration of Ukraine (**decentralisation**) and took note of the Secretariat Memorandum on the compatibility with this Preliminary opinion of the draft constitutional amendments adopted by the Verkhovna Rada in the first reading;
 - held an exchange of views with Mr Oleksiy Filatov, Deputy Head of the Presidential Administration and Secretary of the Constitutional Commission of Ukraine, and with Mr Serhiy Holovaty, representative of Mr Volodymyr Groysman, Speaker of the Verkhovna Rada, and adopted the opinion on the temporal validity of draft transitional provision 18 of the Constitution of Ukraine;
 - held an exchange of views with Mr Sergiy Petukhov, Deputy Minister of Justice of Ukraine, and adopted the interim opinion on the draft Law on **Integrity Checking** of Ukraine, previously examined by the Sub-Commissions on Democratic Institutions and on Fundamental Rights on 22 October 2015;
 - adopted the Joint opinion by the Venice Commission, the Directorate of Information Society and Action against Crime (DGI) and the OSCE/ODIHR on the draft amendments to some legislative acts concerning prevention of and fight against **political corruption** in Ukraine, previously adopted by the Council for Democratic Elections on 22 October 2015;
- Adopted the report on **exclusion of offenders from parliament**, previously adopted by the Council for Democratic Elections on 22 October 2015;
- Postponed the adoption of the joint guidelines by the Venice Commission and the OSCE/ODIHR on preventing and tackling the misuse of administrative resources during electoral processes;
- Was informed on **follow up** to: the opinion on the Electoral Law of the United Kingdom; the opinion on the draft Amendments to the Media Law of Montenegro; the joint opinion on the draft law "on introduction of changes and amendments to the Constitution" of the Kyrgyz Republic and to the Amicus curiae brief for the Constitutional Court of Georgia on the non-ultra petita rule in criminal cases;

- Held an exchange of views with Mr Yves Leterme, Secretary General of **International IDEA** on possible co-operation;
- Held an exchange of views with Ms Badrieh Al Balbisi, Secretary General of the **Organisation of Arabic Speaking Electoral Management Bodies** on possible co-operation;
- Was informed on the results and conclusions of the **Conference on “Past and present-day lustration: similarities, differences, applicable standards”**, held in Prague on 7 September 2015;
- Was informed on the first **UniDem-Med Campus** Seminar, held in Rabat (Morocco), on 14-17 September 2015;
- Was informed on constitutional developments in **Kazakhstan** and in **Norway**;
- Was informed on the results and conclusions of the meeting of the **Council for Democratic Elections** held on 22 October 2015;
- Was informed on the results and conclusions of the joint meeting of the **Sub-Commissions on Democratic Institutions and on Fundamental Rights** and in particular on the preparation of an international conference on the political questioning of the current framework of human rights adjudication to be held in Oslo in 2016;
- Held an exchange of views with representatives of the **Committee of Ministers**, of the **Parliamentary Assembly** and of the **Congress of Local and Regional Authorities** of the Council of Europe;
- Appointed, upon the proposal of the Enlarged Bureau, three **Wise Persons** in view of the elections to the Venice Commission’s Offices to be held in December 2015;
- Confirmed the dates of the **next Plenary Sessions** as follows: 18-19 December 2015; 11-12 March 2016; 10-11 June 2016; 14-15 October 2016; 9-10 December 2016.