



Strasbourg, 13 December 2021

CDL-PL-PV(2021)004syn
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

129th PLENARY SESSION

Venice and online, 10-11 December 2021

SYNOPSIS

Due to the Covid-19 pandemic, the 129th Plenary Session was held in a hybrid form, in Venice and online.

The Venice Commission:

- held an exchange of views with Ms Klotilda Bushka, Head of the Committee of Legal Affairs, Public Administration and Human Rights, Parliament of Albania, and adopted the opinion on the extension of the term of office of the vetting bodies for judges and prosecutors in **Albania**;
- held an exchange of views with Ms Stephie Dracos, Minister of Justice and Public Order of Cyprus (online), and adopted the opinion on three Bills reforming the Judiciary in **Cyprus**;
- held an exchange of views with Mr Csaba Hende, Deputy Speaker of the Hungarian National Assembly (online), and adopted the opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children of **Hungary**;
- held an exchange of views with Ms Albulena Haxhiu, Minister of Justice of Kosovo and adopted the opinion on the draft amendments to the law on the Prosecutorial Council of **Kosovo**, previously examined by the Sub-Commissions on the Rule of Law and on the Judiciary at their joint hybrid meeting on 9 December 2021;
- adopted the *amicus curiae* Brief for the Constitutional Court of the **Republic of Moldova** on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);
- held an exchange of views with Ms Angela Motuzoc, President of the Supreme Prosecutorial Council, and Mr Iulian Rusu, State Secretary, Ministry of Justice of the Republic of Moldova, and adopted the opinion on the amendments of 24 August 2021 to the Law on the Prosecution Service of the Republic of Moldova, previously examined by the Sub-Commissions on the Rule of Law and on the Judiciary at their joint hybrid meeting on 9 December 2021;
- held an exchange of views with Mr Iulian Rusu, State Secretary, Ministry of Justice of the Republic of Moldova, and adopted the joint opinion of the Venice Commission and DGI, on the draft law on some Measures related to the Selection of Candidates for Administrative Positions in Bodies of Self-Administration of Judges and Prosecutors and the Amendment of some Normative Acts of the Republic of Moldova;
- held an exchange of views with Mr Andrii Klochko, Chair of the Committee on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning of the Verkhovna Rada of **Ukraine** and adopted the joint opinion of the Venice Commission and the OSCE/ODIHR on the draft law on improving the procedure for establishing the impossibility of holding national and local elections, all-Ukrainian and local referendums in certain territories and polling stations of Ukraine;
- welcomed the decision of the Constitutional Court of Ukraine in respect of the swearing in of two newly appointed judges of the Court;
- held an exchange of views with Mr Askar Shakirov, Deputy Chairman Senate of the Parliament of **Kazakhstan**, and adopted the opinion on the draft law on the Commissioner for Human Rights of Kazakhstan;
- endorsed the revised Urgent Opinion on the draft revised constitutional amendments on the judiciary of **Serbia**;
- endorsed the Urgent Opinion on the revised draft Law on the Referendum and the People's Initiative of Serbia;
- was informed on recent constitutional developments in **Japan**;

Following the proposals made by the Committee of Wise Persons, **elected for a term of two years**:

C. Bazy Malaurie (France) as President :
M. Frendo (Malta), A. Nussberger (Germany), H. Kjerulf-Thorgeirsdottir (Iceland) as Vice-Presidents;
P. Carozza (USA) P. Dimitrov (Bulgaria) S. Holovaty (Ukraine); R. Kiener (Switzerland) as members of the Bureau:

The Chairs of the Sub Commissions and Councils as follows:

Fundamental Rights: J. Velaers (Belgium)
Federal State and Regional State: T. Khabrieva (Russian Federation)
International Law: I. Cameron (Sweden)
Protection of National Minorities: Q. Qerimi (Kosovo)
Judiciary: R. Barrett (Ireland)
Democratic Institutions: N. Alivizatos (Greece)
Working methods: W. Newman (Canada)
Latin America: J-L. Vargas Valdez (Mexico)
Mediterranean Basin: M. Nicolatos (Cyprus)
Rule of law: V. Bílková (Czech Republic)
Gender Equality: T. Otty (UK)
Ombudsman institutions: J. Helgesen (Norway)
Constitutional Justice: Z. Knezević (BiH)¹
Scientific Council: B. Mathieu (Monaco)

The Vice-Chairs of the Sub Commissions and Councils (without representation on the Enlarged Bureau) as follows:

Fundamental Rights: V. Petrov (Serbia)
Federal State and Regional State: P. Vilanova Trias (Andorra)
International Law: F. Maiani (San Marino)
Protection of National Minorities: A. Lavinš (Latvia)
Judiciary: A. Gaspar (Portugal)
Democratic Institutions: D. Meridor (Israel)
Working methods: S.T. Lee (South Korea)
Latin America: A. Ferrero Costa (Peru)
Mediterranean Basin: G. Jeribi (Tunisia)
Rule of law: J. Omejeć (Croatia)
Gender Equality: N. Bernoussi (Morocco)
Ombudsman institutions: Igor I. Rogov (Kazakhstan)
Constitutional Justice: A. Varga (Hungary)
Scientific Council: Peter Bussjäger (Liechtenstein)

Nominated as candidate for the position of Chair of the Council for Democratic Elections: S. Darmanović (Montenegro).

- Welcomed the new functions of Mr **Gianni Buquicchio as Special Representative of the Commission**;
- was informed on progress on the preparation of the **report on the ratification and withdrawal from Council of Europe conventions** and invited all members to provide information on the procedure of ratification and denunciation of international treaties in their country to the Secretariat before 15 January 2022;

¹ The Chair of the Sub-Commission on Constitutional Justice, acts as Co-President of the Joint Council on Constitutional Justice

- was informed of the preparation of a **round table on the Superior Councils of the Judiciary**, to be held in Rome in Spring 2022;
- Authorised the preparation of three Urgent Opinions: on the law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in social life (oligarchs); on the draft law on local referendum in Ukraine and on constitutional and electoral amendments in **Bosnia and Herzegovina**, to be issued prior to the next Plenary Session;
- Decided to follow the situation concerning the constitutional reform in **Belarus**;
- Was informed on **follow-up** to the following opinions:
 - Armenia: Urgent joint opinion of the Venice Commission and the OSCE/ODIHR on amendments to the Electoral Code and related legislation (CDL-AD(2021)025)
 - Georgia: Joint Opinion of the Venice Commission and the OSCE/ODIHR on amendments to the Election Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament (CDL-AD(2021)008)
 - Serbia: Urgent opinion on the draft law on the referendum and the people's initiative (CDL-AD(2021)033)
 - Uzbekistan: Joint opinion of the Venice Commission and the OSCE/ODHIR on the draft law on freedom of conscience and religious organisations (CDL-AD(2020)002)
- Held an exchange of views with Mr Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities;
- Was informed on the results of the meeting between the Commission's Enlarged Bureau and the **Presidential Committee of the Parliamentary Assembly** of the Council of Europe, held on 11 December 2021;
- 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;
- Confirmed the dates of the **next Plenary Sessions** as follows: 18-19 March 2022; 17-18 June 2022; 21-22 October 2022, 16-17 December 2022.

The opinions for Albania, Kosovo and Serbia were prepared under the Expertise Co-ordination Mechanism in the framework of the EU/CoE joint programme "Horizontal Facility II", co-funded by the Council of Europe and the European Union and implemented by the Council of Europe. The opinion for Ukraine was prepared under the Quick Response Mechanism in the framework of the EU/CoE joint programme "Partnership for Good Governance", co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.