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

**85<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 17 December 2010 (11.00 a.m.) -**  
**Saturday, 18 December 2010 (1.00 p.m.)**

**SESSION REPORT**  
**RAPPORT DE SESSION**

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

The Agenda was adopted as it appears in document [CDL-OJ\(2010\)004ann](#).

## **2. Communication by the President**

Mr Buquicchio opened the session by welcoming a new member to the Venice Commission, Ms Paloma Biglino Campos, Professor of Constitutional Law in Valladolid in Spain. He also informed the Commission that Ms Angelika Nussberger, substitute member for Germany, had been appointed judge at the European Court of Human Rights and thanked her for her significant contribution to the Commission's work.

Mr Buquicchio also proposed the adoption without debate of the *amicus curiae* brief for the Constitutional Court of "the former Yugoslav Republic of Macedonia" on amendments to several laws relating to the system of salaries and remunerations of elected and appointed officials. The *amicus curiae* brief was adopted in this manner.

Mr Buquicchio finally informed the Venice Commission of his activities, which are listed in document CDL(2010)122.

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

Mr Markert informed the Commission that Ms Artemiza Chisca had been appointed Head of the Division of Democratic Institutions and Fundamental Rights. He further informed the Commission that the Committee of Ministers of the Council of Europe had approved the Commission's budget at zero growth, which entailed the need in 2011 to watch the expenses and possibly refrain from certain non-essential activities.

Mr Markert informed the Commission of two new opinion requests: one from the Congress of Local and Regional Authorities (the draft Electoral Code of Bulgaria) and one from Ukraine (new draft Law on Languages).

Mr Markert further welcomed the adoption without debate of the *amicus curiae* brief above, as the first result of the newly agreed working methods and expressed his confidence that the stricter deadlines for document distribution would be fully respected as from the plenary session of March 2011. He also invited all members to enrol, through the Secretariat, in the Sub-Commissions.

## **4. Co-operation with the Committee of Ministers**

Ambassador Mnatsakanian, Permanent Representative of Armenia, welcomed the good co-operation between the Venice Commission and Armenia. He praised the Venice Commission's work, which in the twenty years of existence of the Commission had contributed largely to the development of constitutional democracy in Armenia as well as in many other countries.

Ambassador Mnatsakanian focused on the Yerevan Forum for the Future of Democracy (19-21 October 2010), and thanked Mr Buquicchio for his participation. He recalled that the Forum aimed at identifying current challenges, deficiencies and shortcomings in terms of democracy, and at finding ways to stimulate co-coordinated action needed to tackle them. In his view, it was up to the Council of Europe and the Venice Commission to take the lead in this important mission.

## 5. Co-operation with the Parliamentary Assembly

Mr Çavuşoğlu, President of the Parliamentary Assembly, referred to the meeting between the Presidential Committee of the Parliamentary Assembly of the Council of Europe and the Enlarged Bureau of the Commission, held on 17 December 2010, and stressed the complementarity between the Parliamentary Assembly and the Venice Commission's work.

In his view, that complementarity also strengthened the impact of the Council of Europe itself by ensuring better visibility and better results in three main areas: electoral observations, monitoring of state commitments and standard setting. Good co-operation between the two bodies could be enhanced even more through the continued work with and within the Council of Europe member states, and by bringing non-member states closer to European democratic standards. With regard to the latter question, Mr Çavuşoğlu informed the Commission that Kazakhstan, Morocco and the Palestinian National Authority had applied for partnership in democracy to the PACE; these applications were currently under assessment by the Political Affairs Committee.

Mr Jowell expressed his strong support for enhancing the co-operation between the Venice Commission and the Parliamentary Assembly, and invited the Commission to reflect on how different parts of the Council of Europe could be brought together to look at the impact of their activities in a holistic way. In his view, that would be particularly useful for further improving the implementation and follow-up to the Commission's opinions and reports in member states.

Mr Holovaty updated the Venice Commission on the work of the committees of the Parliamentary Assembly. With regard in particular to the question of follow-up to the Venice Commission opinion on the Italian laws on the media and on conflict of interest ("Gasparri" and "Frattoni" Laws), the Committee on Culture, Science and Education had decided to hold an exchange of views with the Italian delegation to the PACE in January 2011.

Mr Bartole referred to the draft opinion on the draft Law on the High Council for Judges and Prosecutors of Turkey, which took into account among others, a number of documents and standards from other CoE bodies (i.e. Committee of Ministers, PACE and the Consultative Council of European Judges). He suggested that the organisation of the judiciary be taken as a topic for joint consideration with other CoE bodies, to avoid differences in approach and standards between the VC and other parts of the CoE.

## 6. Follow-up to earlier Venice Commission opinions

The Commission was informed on follow-up to:

*Joint Opinion on the Draft Law on the Judicial System and the Status of Judges of Ukraine by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe.*

Mr Markert informed the Commission that the reactions by the Ukrainian authorities had been quite positive, even though the opinions were critical. The Minister of Justice had included a reform of the judiciary laws in his working programme. Very positively, as an indirect reaction to the opinions, the Head of the Secret Service of Ukraine had been discharged from his duties as member of the High Judicial Council upon his own request. On the other hand, a recent visit to Kiev had shown that there was substantial pressure on the judges of the Supreme Court to resign or to retire.

Mr Esanu pointed out that the European Court of Human Rights had already referred to the opinions in its judgment of 9 December in the case *Bulanov and Kupchik v. Ukraine* (Applications nos. 7714/06 and 23654/08).

*Opinion on the Draft Criteria and Standards for the Election of Judges and Court Presidents of Serbia; Opinion on the Draft laws on Judges and the Organisation of Courts of Serbia; Opinion on the Draft Law on the High Judicial Council of Serbia.*

At the end of 2009/beginning of 2010 a process of re-appointment of judges took place in Serbia. The judges who were not reappointed were provided with neither a reasoned decision nor a proper appeal. The Venice Commission's opinions on the judiciary reform in Serbia touched upon the question of reappointment of judges. The Serbian authorities subsequently prepared amendments and supplements to the Law on the High Judicial Council and the Law on Judges, after a request made by the European Commission (EC). On 16 December 2010, a delegation of the Venice Commission had an exchange of views on the draft amendments with Ms Snežana Malović, the Minister for Justice of Serbia, Mr Slobodan Boskovic, Assistant Minister for Justice, Mr Jovan Cosic, Director of the Department for Legislative Norms and International Co-operation, Mr Wolfgang Nozar from the European Commission, Dr Virgilijus Valančius, expert appointed by the Legal and Human Rights Capacity Building Department of the Directorate General of Human Rights and Legal Affairs and Ms Nadia Cuk from the Council of Europe's Belgrade Office. The Commission was informed that the EC would adopt its final report on Serbia in October 2011.

*Final opinion on the third revised draft act on forfeiture in favour of the state of assets acquired through illegal activity of Bulgaria.*

Mr Hirschfeldt informed the Commission that further to the adoption of the Commission's final opinion on the third revised Draft Act on forfeiture in favour of the state of assets acquired through illegal activity of Bulgaria (Draft Act), the Bulgarian authorities had once more revised the draft law and had sent it to the Commission for assessment in early December. Considering the relevance and complexity of the issues involved, an opinion would be prepared and all interested members were invited to declare their interest to join in the working group.

## **7. Ukraine**

*Opinion on the Constitutional Situation in Ukraine*

Mr Tuori recalled that ever since 1996 Ukraine had been marked by political confrontation and constant challenges and attempts to find the right balance of power between the President, the Cabinet and Parliament. In its past opinions related to constitutional amendments in Ukraine, the Venice Commission had repeatedly called for a comprehensive constitutional reform that would strengthen the powers of Parliament, while it had warned against establishing a system that was not coherent and viable.

On 30 September 2010, the Constitutional Court of Ukraine adopted a decision whereby it declared the Law on the amendment to the Constitution No. 2222, adopted on 8 December 2004, unconstitutional and required that laws subsequently adopted be brought in line with the previous Constitution of 1996 (hereinafter, "the 30 September Judgment").

Mr Tuori underlined at the outset that the aim of the opinion was not to assess the Constitutional Court's decision, but to examine its legal consequences and to point towards the future.

The opinion addressed at the outset the issue of participation of constitutional courts in the constitutional amendment process. It was considered that where a constitutional court has competence to review constitutional amendments already adopted, the principle of legal certainty requires that the final decision be based on a proportionality test, balanced against the

negative consequences of the annulment of the constitutional amendment in question, especially when a considerable period of time has elapsed since its adoption. Also, it was important that such a decision include unambiguous transitory provisions and set a precise time-limit for bringing lower-order norms and the functioning of state institutions into harmony with the Constitution in force.

The main consequence of the 30 September Judgment was the reinstatement of the pre-existing legal contents of the 1996 Constitution. Uncertainty resulted regarding the length of the parliamentary term (four years as provided for by the 1996 version of the Constitution or five years as provided for by the 2004 version of the Constitution), a question which had given rise to two constitutional petitions. In early October, the parliamentary majority had submitted a draft amendment to the Constitution, extending the mandate of Parliament and local government bodies by one additional year (from four to five years). That draft constitutional amendment had been approved by the Constitutional Court in November 2010. In parallel, the Central Election Commission had requested the Constitutional Court's interpretation of Article 77 of the 1996 version of the Constitution on elections to Parliament. At the time of the drafting of the opinion, the case was still pending before the Constitutional Court, and the CEC had not yet declared the start of the election campaign. This undermined legal certainty and raised questions of legitimacy with respect to the "present state institutions". In that respect, the state constitutional court, as the only authority competent to give the official interpretation of the state constitution, needed to take its decision on the matter as soon as possible.

A further issue was that of bringing national legislation into conformity with the 1996 Constitution, a process which seemed to proceed too hastily and without involvement of all relevant actors in the country. According to the opinion, the Ukrainian authorities had to ensure full respect for all the rules of procedure when adopting and revising national legislation to implement the Constitution, including by fully involving the opposition parties in that process.

In conclusion, the opinion called for a comprehensive constitutional reform based on the ordinary constitutional procedure for constitutional amendments and with the support of all political forces in the country.

A certain number of amendments to the draft opinion were proposed and accepted by the Commission.

Mr Portnov, Deputy Head of the Presidential Administration of Ukraine, expressed his gratitude to the rapporteurs and to the Commission for the excellent co-operation and work. He informed the Commission of the establishment of the Commission on strengthening democracy and the rule of law, with the mandate to *inter alia*, foster a close cooperation between Ukraine and the Venice Commission and prepare proposals reflecting Commission's conclusions and recommendations.

Mr Kivalov, substitute member for Ukraine, praised the approach chosen by the Commission, to focus on the constitutional procedure for constitutional amendments and the role of the constitutional court in interpreting the Constitution.

Ms Stavniychuk, member for Ukraine, recalled that while it was not the mandate of the Venice Commission to review decisions by national constitutional courts, it could discuss and analyse such decisions. She also thanked the Commission for its assistance and pointed out that there was a good will in a country to arrive at a coherent and good constitutional reform that would finally bring the needed balance of power between the state institutions.

**The Commission adopted the opinion on the Constitutional Situation in Ukraine, with amendments ([CDL-AD\(2010\)044](#)).**

## **8. Russian Federation**

*Opinion on the Federal Law on the amendments to the Federal Law on Defence of the Russian Federation*

Ms Nussberger recalled that the request for assessment of the amendments of November 2009 to the Federal law on Defence of the Russian Federation had come from the Parliamentary Assembly. A delegation of the Commission had travelled to Moscow in November and had held fruitful, comprehensive and open discussions with the Russian authorities.

Two sets of changes had been made to the Law on Defence in 2009. In the first place, four legal bases for dispatching Russian troops abroad had been provided while the Law set out explicitly that any troop dispatching would have to comply with international law and treaties. The Russian authorities had explained that they intended to have a clear legal basis for any dispatch of troops outside the territory of the Russian Federation: the four cases in question supplemented the law on the fight against international terrorism and the law on peace-keeping operations. In the opinion of the rapporteurs, the chapeau phrase was welcome and so was the fact that a clear legal basis would be provided, but they stressed that international law needed to be complied with in any case, and that each case of troops dispatch abroad would have to be assessed separately and individually. Of the four grounds, three (armed attack against Russian Armed Forces abroad; armed attack on another State which requests the intervention of the Russian Federation; piracy) did not appear to be problematic if they were interpreted in due conformity with international law. The fourth case (protection of Russian Federation citizens abroad from armed attacks) instead raised some concerns. It was doubtful that a reliable State practice existed in this context, and it could be assumed that beyond a minimum intensity, the protection of a state's own nationals did not constitute an autonomous justification for the use of force.

In the second place, the amendments of 2009 had empowered the President of the Russian Federation to decide on the operational use of the troops dispatched abroad. Troop dispatching abroad was as such within the constitutional competences of the Council of the Russian Federation. A resolution of the Council of December 2009, however, had *de facto* transferred that competence to the President, which had entailed that in practice the level of parliamentary involvement in, hence democratic control of this matter had moved from high, as it is on paper, to low. In the Commission's view that represented a step backwards, although it did not as such violate the applicable standards.

A certain number of amendments to the text of the opinion were proposed and accepted by the Commission.

**The Commission adopted the opinion on the Federal Law on the amendments to the Federal Law on Defence of the Russian Federation, with amendments ([CDL-AD\(2010\)052](#)).**

## 9. Turkey

### *Interim Opinion on the draft Law on the High Council for Judges and Prosecutors of Turkey*

The request for this Opinion came from the Turkish Ministry of Justice, and referred to four laws altogether: the draft Law on the High Council for Judges, the draft Law on the Organisation of the Ministry of Justice, the draft Law on the Organisation of the Constitutional Court and the draft Law on Judges and Prosecutors. The Venice Commission had prepared an Opinion on the draft Law on the High Council for Judges and Prosecutors and would prepare an opinion on the other laws once the Turkish authorities transmitted them.

The Opinion was adopted as an Interim Opinion because it only deals with the first law that was sent for comments to the Venice Commission (i.e. the Law on the High Council for Judges and Prosecutors) within the larger context of the constitutional reform currently taking place in Turkey and since the text of the draft law as examined was not the final text.

The comments by the rapporteurs had been sent to the Turkish authorities before the Opinion was drafted in order to allow them to take the comments into account before the adoption of the Law on the High Council for Judges and Prosecutors, which occurred just before this Plenary Session. The final version of the Law had not yet been transmitted to the Venice Commission.

The Venice Commission welcomed a number of points in the draft Law on the High Council for Judges and Prosecutors, notably the increase in the number of members of the High Council for Judges and Prosecutors (HSYK), its more pluralistic composition, the reduction in the powers of the Minister for Justice as President of that body and the possibility for judicial review of the decisions made by him or her. A certain number of changes were recommended by the Venice Commission, in particular, the manner in which the members of the HSYK would be selected, that those members who are currently appointed by the President of the Republic be elected by Parliament by a qualified majority and that the wide powers of supervision and investigation of the HSYK be further reformed in the future.

Mr Ergin Özbudun informed the Venice Commission that the three other draft laws that would be sent to the Venice Commission for an opinion were of a more technical nature than the Law on HSYK, which was the most important Law in the entire package. He explained that the urgency behind adopting the Law on HSYK lay in the fact that that body would not be able to carry out its work without its adoption. Mr Özbudun expressed his reservation about the Venice Commission's recommendation in the Opinion for Turkey to decentralise the supervisory powers over judges, explaining that it would lead to the undesirable outcome of developing different practices in the different parts of the country.

**The Commission adopted the Interim Opinion on the draft Law on the High Council for Judges and Prosecutors of Turkey ([CDL-AD\(2010\)042](#)).**

## 10. Norvège

### *Avis conjoint de la Commission de Venise et de l'OSCE/BIDDH sur la législation électorale de la Norvège*

M. Mifsud Bonnici présente le projet d'avis conjoint de la Commission de Venise et de l'OSCE/BIDDH sur la législation électorale de la Norvège. Suite à la mission d'évaluation des élections législatives du 14 septembre 2009 par l'OSCE/BIDDH, le secrétaire d'Etat du ministère norvégien des Collectivités locales et du développement régional a demandé à la Commission de Venise d'examiner les aspects du système électoral norvégien ayant trait à la



résolution des litiges électoraux.

Pour l'essentiel, l'avis soulève la question du système de recours en matière électorale qui n'est pas pleinement conforme aux normes et engagements internationaux, les citoyens norvégiens ne pouvant pas contester dans un délai approprié et devant des juridictions indépendantes les modalités d'exercice du droit de choisir les élus. Il est ainsi recommandé à la Norvège d'intégrer le pouvoir judiciaire dans le processus de résolution des litiges électoraux et d'accorder à une juridiction le pouvoir de statuer en dernier ressort sur tous les recours électoraux. En outre, la validation définitive des élections devrait inclure la possibilité de saisir un organe judiciaire élevé, comme la Cour suprême ; cette solution nécessiterait alors une révision constitutionnelle. Par ailleurs, l'avis relève que le cadre juridique norvégien ne fixe pas de délais pour l'examen des recours électoraux et recommande en conséquence d'adapter les procédures de recours afin de garantir que des décisions puissent être rendues en temps utile sur toutes les questions électorales litigieuses.

La Commission tient un échange de vues avec M. Gravdahl, Directeur Général du ministère royal norvégien de l'administration régionale et du développement régional. Celui-ci rappelle la longue tradition de tenue d'élections démocratiques en Norvège, confirmée par le dernier rapport du BIDDH de l'OSCE. Il indique que les autorités norvégiennes ont bien accueilli l'élaboration par la Commission de Venise d'un avis sur la législation électorale de la Norvège ainsi que les conclusions de celui-ci. La Norvège entend apporter à sa législation électorale les améliorations suggérées par l'avis.

**La Commission adopte l'avis conjoint de la Commission de Venise et de l'OSCE/BIDDH sur la législation électorale de la Norvège ([CDL-AD\(2010\)046](#)).**

## 11. Belarus

*Opinion on the official warning addressed by the Ministry of Justice of Belarus on 13.01.2010 to the Belarusian Association of Journalists*

Mr van Dijk indicated that the official warning addressed by the Ministry of Justice to the Belarusian Association of Journalists had been examined in the light of both the right to freedom of association and the right to freedom of expression. In addition, taking into account that Belarus is a candidate country for membership of the Council of Europe and an associate member of the Venice Commission, it was considered that the "acquis" of the Council of Europe, including the ECHR and relevant case law of the European Court of Human Rights, also constituted a relevant frame of reference for the Commission to assess the conformity of the warning with international standards.

Mr van Dijk underlined that the right to freedom of association and the right to freedom of expression were of paramount importance in any democratic society and that any restriction on these rights had to meet a strict test of justification. The rapporteurs agreed that the warning failed to meet the strict criteria of justification under international and European standards, which had severe consequences on the effective enjoyment of the above-mentioned rights in Belarus. Hopefully the opinion, although adopted almost one year after the warning under discussion, would have a positive impact on the freedom of expression and association in Belarus.

Mr Maryskin, Deputy Chairman of the Constitutional Court of Belarus (associate member), expressed his appreciation for the expertise of the Venice Commission and its readiness to co-operate with the authorities of Belarus. At the same time, he drew the Commission's attention to the particularly complex situation prevailing in Belarus and the difficulties inherent in the efforts made, on domestic level, to fulfil the requirements of a genuine European integration of the country.

The Commission was also informed that additional factual information and clarifications on the situation in Belarus would be provided.

**The Commission adopted the Opinion on the official warning addressed by the Ministry of Justice of Belarus on 13.01.2010 to the Belarusian Association of Journalists ([CDL-AD\(2010\)053rev](#)) and asked the rapporteurs to make the necessary amendments to the text, in the light of additional factual information expected from Belarus.**

Mr Buquicchio, while recalling that the Venice Commission had decided, during its last session in October 2010, to resume the co-operation with Belarus, stressed that more active steps by the authorities of Belarus, including requests for legal assessment of new pieces of legislation, would help strengthen that co-operation, and accelerate democratic reforms in the country. Mr Maryskin informed the Commission that, in 2011, a request for a legal opinion on a draft law on the competences of the judicial authorities would be submitted to it for legal assessment.

## **12. Study on individual access to Constitutional Justice**

Ms Nussberger and Mr Paczolay presented the draft Report on Individual Access to Constitutional Justice, drawn up on the basis of their and Mr Harutyunyan's comments. The report had been prepared upon request by the Permanent Representative of Germany to the Council of Europe who had expressed his hope that such a report could be a contribution to the promotion of national human rights remedies and - consequently - the long-term effectiveness of the European Court of Human Rights. The draft report distinguished between indirect access (via ordinary courts or the ombudsman) and direct access initiated by the individual him - or herself. There was a clear tendency in Europe to give direct access to the individual. Two main types of such access existed: the "normative complaint" against only general acts and the "full constitutional complaint" also against individual acts. Statistics showed that the countries with such full access have a lower rate of condemnations by the European Court of Human Rights. They insisted on the important role of the liaison officers in the preparation of the very detailed report.

**The Commission adopted the Report on Individual Access to Constitutional Justice with amendments ([CDL-AD\(2010\)039](#)).**

## **13. Report of the meeting of the Sub-Commission on the Judiciary (16 December 2010)**

Ms Suchocka and Mr Hamilton informed the Commission that the Sub-Commission on the Judiciary had discussed and revised the draft report on European standards as regards the independence of the judicial system – Part II Prosecutors. The first part on judges had been adopted in March (CDL-AD(2010)). The report on the independence of the judicial system had been requested by the Monitoring Committee of the Parliamentary Assembly. The report under

examination contained an introductory part which set out the danger of interference in the work of prosecutors, thus explaining why special guarantees were needed. Even though there were many different systems in Europe, some common principles could be discerned. A new paragraph had been added on the need to respect the rule of law in cases of non prosecution because of an overriding public interest (e.g. public security). In a message transmitted to the Sub-Commission on the Judiciary, the President of the Consultative Council of European Prosecutors had approved of the main lines of the draft report.

Members suggested referring to the recent reform of the French judicial council and making a clearer distinction of purely prosecutorial councils and councils which also deal with judges (e.g. France, Italy and Turkey).

**The Commission adopted the Report on European Standards as regards the Independence of the Judicial System – Part II: Prosecutors with amendments ([CDL-AD\(2010\)038](#)).**

#### **14. Armenia**

*Interim joint opinion by the Venice Commission and OSCE/ODIHR on the draft law on assemblies of the Republic of Armenia*

Ms Flanagan informed the Commission that on 9 November 2010, GTZ had organized a public round table whereby the Draft Law on Assemblies was extensively discussed among representatives of national authorities, national and international experts (including a Venice Commission delegation and representatives of OSCE/ODIHR) and representatives of the civil society. On 13 December, the Secretariat had received the new version of the Draft Law, which took into account the results of the November meeting as well as the preliminary comments by the Venice Commission. The draft opinion under discussion therefore referred to the last revised version of the Draft Law.

The revised Draft Law of 13 December was welcomed by the rapporteurs as it was to a large extent in accordance with international and European standards. It contained an over-arching guarantee of freedom of assembly, according to which restrictions to fundamental rights including the right to freedom of assembly may only be imposed in accordance with the law and in pursuit of legitimate aims and may not exceed the limits defined by international agreements. Also, a general and broad definition of “assemblies” that includes all types of gatherings, meetings, marches and demonstrations was provided for. In relation to the place of an assembly, the Venice Commission and the OSCE/ODIHR welcomed the explicit reference to “*buildings*” as it recognises that public spaces are not necessarily “open air”. Some ambiguities remained. The Draft Law still contained some provisions amounting to blanket prohibitions including on location of a peaceful assembly, and remained unclear as to the number of “organisers” or “leaders” of an assembly.

The opinion was an “interim” one as the authorities intended to submit to the Venice Commission the text once it had been examined by parliament.

Mr Hoffman-Riem noted that the evolution of the Armenian legislation in the field of the freedom of assembly demonstrated the impact and the quality of the co-operation between the Venice Commission and Armenia. He also considered that the Draft Law could be taken as a model for other countries when revising or adopting legislation on the freedom of assembly.

**The Commission adopted the interim joint opinion by the Venice Commission and OSCE/ODIHR on the draft law on assemblies of the Republic of Armenia ([CDL-AD\(2010\)049](#)).**

*Interim joint opinion by the Venice Commission and OSCE/ODIHR on the Draft Law on Making Amendments and Supplements to the Law on Freedom of Conscience and Religious Organisations*

Ms Flanagan informed the Commission that the recommendations included in the joint opinion issued in 2009 (CDL-AD(2009)036; Opinion no. 530/2009) with regard to a previous draft law relating to freedom of religion in Armenia were still valid, and had to be adequately taken into account in the preparation of the law.

The opinion under examination was generally critical of the restrictive approach taken by the Armenian authorities in regulating freedom of conscience and religious organisation. Many aspects dealt with in the draft - such as the definition of religions and that of religious organisations, the citizenship condition, the freedom to manifest religion in public or in private life, the freedom to change religion, the issue of registration and that of liquidation of religious organisations, the possible limitations to the freedom of religion - would need serious reconsideration and amendment.

Ms Flanagan stressed that particular attention had been paid, in assessing the draft law, to the fact that the Holy Apostolic Armenian Church has, *de facto* and *de jure*, a dominant position in Armenia. While the recognition of the Holy Apostolic Armenian Church as a “national church” with a historical contribution in the development of the national identity was not, as such, problematic, it was essential to preserve pluralism and ensure equal respect and protection of other religions as well. In that context, a number of potentially discriminatory issues raised by the draft were brought to the attention of the Commission.

The authorities of Armenia were invited to clarify the scope of application of the law; to guarantee freedom of conscience, religion or belief to everyone, regardless of citizenship; to recognize the freedom to change religion or belief and to guarantee expressly the freedom to manifest religion or belief, in public or in private; to guarantee access of any religious organisation to legal personality; and to reconsider the blanket prohibition on religious advocacy and preaching in all “learning” and “social institutions”.

The Commission was informed that according to recent information received from the authorities of Armenia, a new draft law on freedom of conscience and religious organisations was under preparation and would be soon submitted to the Venice Commission for legal assessment. The Commission, as well as Ms Marta Achler, on behalf of the OSCE/ODIHR, expressed their readiness to pursue the co-operation with Armenia on the new legislation under preparation.

**The Commission adopted the joint interim Opinion by the Venice Commission and OSCE/ODIHR on the Draft Law on Making Amendments and Supplements to the Law on Freedom of Conscience and Religious Organisations, as well as draft amendments to the Administrative Offences Code, to the Criminal Code and to the Law on Charity, with amendments ([CDL-AD \(2010\)054](#)).**

## 15. Bulgaria

### *Opinion on the draft Law amending the Law on judicial power and the draft Law amending the Criminal Procedure Code of Bulgaria*

The rapporteurs explained that the aim of the amendments in question was to create a system of specialised criminal courts, prosecutors' offices and investigative bodies in order to deal with organised crime and corruption in Bulgaria, a problem identified in reports by both the Council of Europe and the European Union that the Bulgarian authorities were invited to tackle effectively. The Opinion dealt with three draft laws: the draft Law amending the Law on judicial power and two different versions of the draft Law amending the Criminal Procedure Code, because it was not clear at the time of the drafting of the Opinion which version of the draft Law amending the Criminal Procedure Code would be adopted by the National Assembly of Bulgaria.

The Venice Commission welcomed that the Bulgarian authorities were adopting the solution of taking measures to ensure that courts and prosecutors apply the laws properly in dealing with cases of organised crime and corruption and that they also aim to achieve a geographical separation between the location of the trial of members of organised criminal groups and the region where such groups operate in order to ensure the neutrality of all parties involved; however, the position of the lay assessors - the manner in which they are selected and how they are protected - was an issue that should be reconsidered.

Mr Anastas Anastasov, Vice-President of the National Assembly and Chairperson of the Internal Security and Public Order Committee of Bulgaria, informed the Venice Commission that the reports of the European Union and the Parliamentary Assembly of the Council of Europe found that there was a strong political will on the part of the Bulgarian authorities to overcome corruption and organised crime in their country. He said that in order to do so, the judiciary needed to be reformed and that the idea of setting up specialised courts, prosecutors' offices and investigative bodies was considered a good solution. The Opinion on the draft Law amending the Law on judicial power was supposed to have been adopted during the 84<sup>th</sup> Plenary Session of the Venice Commission, but was suspended in order to await the results of a visit by a delegation of the Venice Commission with the relevant authorities in Sofia. Prior to this visit, the Venice Commission delegation was presented with a second version of the draft Law amending the Criminal Procedure Code, a version that the Venice Commission found in its Opinion, to be preferable to the first version. The second draft Law had been adopted by the Legal Affairs Committee of the National Assembly on 16 December 2010 and was likely to be the version that would be adopted by the National Assembly's Plenary on either 20 or 21 December 2010.

**The Commission adopted the opinion on the draft Law amending the Law on judicial power and the draft Law amending the Criminal Procedure Code of Bulgaria ([CDL-AD\(2010\)041](#)).**

## 16. Report of the meeting of the Scientific Council (16 December 2010)

Mr Helgesen informed the Commission that the Scientific Council in its provisional composition had held its first meeting on 16 December. The following topics had been retained for international scientific conferences to be organised by the Commission in the future: the linguistic rights of minorities and the constitutional aspects of bioethics. A conference on individual access to constitutional justice would be co-organised within the framework of the Ukrainian Chairmanship of the Committee of Ministers (May-November 2011).

The Scientific Council intended to update the existing vademecums on the Commission's previous opinions and reports, and produce new ones. They would be submitted to the Plenary Session for adoption.

Further, the Scientific Council had reflected upon the successful outcome of its work, jointly with OSCE/ODIHR, on legislation on freedom of assembly. The possibility of further codification or elaboration of a sort of model law deserved further reflection.

### **17. Report of the meeting of the Council for Democratic Elections (16 December 2010)**

M. Ugo Mifsud Bonnici, qui a présidé la réunion du Conseil des élections démocratiques du 16 décembre en l'absence de M Gross, présente les résultats et conclusions de la réunion.

Il informe tout d'abord la Commission que le projet de rapport sur le vote à l'étranger est reporté à la prochaine réunion du Conseil, les membres du CED souhaitant étendre la portée du rapport et le rendre plus équilibré dans ses conclusions.

#### *Rapport sur les possibilités de fraude électorale basée sur une manipulation des chiffres*

M. Mifsud Bonnici propose ensuite que la Commission adopte le rapport sur les possibilités de fraude électorale basée sur une manipulation des chiffres, avec les amendements qui ont été apportés lors de la réunion du Conseil. Le rapport présente d'abord le cadre général concerné par la notion de fraude et notamment la distinction établie entre la faute par inexpérience et la fraude en tant qu'acte intentionnel ; il identifie ensuite les possibilités de fraude par une manipulation des chiffres, puis présente un cadre pour la prévention de telles fraudes.

**La Commission adopte le rapport sur les possibilités de fraude électorale basée sur une manipulation des chiffres ([CDL-AD\(2010\)043](#)).**

#### *Avis sur le projet de Code électoral de l'Ukraine*

M. Mifsud Bonnici propose en outre l'adoption du projet d'avis sur le projet de Code électoral préparé par le Groupe de travail de la Verkhovna Rada de l'Ukraine, avec les amendements qui ont été apportés lors de la réunion du Conseil. Ce texte est le premier projet de code électoral unifié en Ukraine. Il s'agit d'une proposition de quelques parlementaires ukrainiens qui a été soumise à la Commission de Venise pour avis par le président du parlement. Le projet d'avis apporte des commentaires sur la partie générale du projet de Code et sur la partie concernant les élections nationales mais pas sur celle concernant les élections locales, qui a été couverte par une autre expertise du Conseil de l'Europe. Dans ses conclusions, la Commission de Venise se félicite de ce projet de Code élaboré par le Groupe de travail sur le Code électoral de la Verkhovna Rada. En dépit d'un certain nombre de remarques critiques, ce projet de Code est un pas en avant dans le processus de réforme électorale en Ukraine et pourra servir de base pour de futurs travaux sur la législation électorale. La Commission émet le souhait que le groupe de travail sur la législation électorale établi par le Président de la République sera inclusif et accueillera les partis d'opposition tout comme la société civile. Elle espère enfin que ce projet de Code sera pris en considération comme l'un des documents de référence du Groupe de travail pour ses discussions à venir.

**La Commission adopte l'avis sur le projet de Code électoral de l'Ukraine ([CDL-AD\(2010\)047](#)).**

*Avis sur le Code de conduite sur l'observation des élections du Royaume-Uni*

M. Mifsud Bonnici rappelle que cet avis avait été demandé par la Commission électorale du Royaume-Uni suite à l'adoption d'une version révisée de son Code de conduite sur l'observation des élections du Royaume-Uni, code destiné aux différentes catégories d'observateurs d'élections. Le projet d'avis couvre les questions de structure du Code, de l'accréditation des observateurs, des observateurs autorisés à observer le scrutin, de leurs rôles et responsabilités, de la portée d'une telle observation et du vote par correspondance. Le projet d'avis soulève notamment le problème de l'absence de moyens de recours contre les décisions de la Commission électorale et recommande de prévoir une telle procédure. Dans ses conclusions, le projet d'avis se félicite de l'existence d'un tel Code de conduite destiné aux observateurs d'élections et permettant une lecture plus facile de la législation électorale. Ce code est largement en conformité avec les normes électorales européennes. Le projet d'avis indique également que la loi électorale de 2006 a apporté des améliorations au processus électoral notamment par la mise en place d'un système d'accréditation ayant permis à des particuliers et à des organisations du Royaume-Uni et du monde entier d'observer les élections en 2010. Plus globalement, les obligations légales stipulées dans le Code de conduite sont conformes aux pratiques internationales. Le projet d'avis recommande *in fine* d'étendre la période d'observation du processus électoral.

**La Commission adopte l'avis sur le Code de conduite sur l'observation des élections du Royaume-Uni ([CDL-AD\(2010\)045](#)).**

**18. Rapport de la réunion du Conseil des élections démocratiques (16 décembre 2010)**

Mr Jowell, Chair of the Sub-commission, informed the Commission that, at the meeting of 16 December the Sub-Commission had held a very useful exchange of views with Mr Drago KOS, President of the Group of States against Corruption, in connection with a request by the Parliamentary Assembly for the Commission to carry out a study on the role of extra-institutional actors in a democratic system (Resolution 1744(2010)). In the light of the wide range of potentially concerned extra-institutional actors, the Sub-Commission would first, as an initial step, determine the specific scope of the future study. A sub-group had been set up within the sub-commission to carry out that task and further members were invited to join it.

Mr Jowell also informed the Commission of the progress made in relation to the topic of the Rule of Law. The study was still in progress and it was envisaged to submit it to the Commission in March 2011.

**19. Opinion on the existing mechanisms to review the compatibility of acts by UNMIK and EULEX with human rights standards**

The Human Rights Advisory Panel - HRAP - of UNMIK was established in March 2006. The Human Rights Review Panel – HRRP- of EULEX (which had taken over most of the executive tasks previously exercised by UNMIK) was set up in 2009. The Parliamentary Assembly asked the Venice Commission to examine both panels.

Mr Scholsem recalled that the establishment of an advisory panel in respect of acts by UNMIK in Kosovo\* had been recommended by the Venice Commission in its opinion of 2004 on "Human Rights in Kosovo: possible establishment of review mechanisms (CDL-AD(2004)033)".

The HRAP had taken up most of the main recommendations of the Venice Commission. The significant delay between the setting up of the UN mission and the establishment of the panel had however caused certain problems, which had affected the functionality and effectiveness of the panel. While the achievements of the panel had to be welcomed, it appeared essential that the backlog pending before it (over 600 cases) be dealt with shortly. Several recommendations were made in this respect, notably that the mandate of the panel be prolonged and its current composition be maintained; that a procedure of deliberations and decisions by electronic means be followed; that recourse be had more often to alternative forms of moral compensation than pecuniary ones, and in cases where the latter appeared indispensable, external funding could be sought pending the solution to the impossibility for UNMIK to pay for moral damage.

The HRRP had been set up in November 2009 and operating since June 2010. It had started its activities in a very effective and proactive manner, which was to be welcomed and encouraged. It was generally in conformity with the recommendations made by the Venice Commission in 2004, although those had been thought for a post-war period of crisis, which no longer pertained to Kosovo: a more thorough system of human rights review could nowadays be envisaged. Certain concerns were raised in respect of the procedure of appointment of the panel members: an external input, in some form, was necessary to preserve the objective appearance of independence of the panel. Further, the length of the members' mandate had to be prolonged, within the limits of the mandate of EULEX. The reasons for not abiding by the recommendations of the panel had to be made public by the Head of Mission. Finally, in the absence of the possibility for the HRRP to recommend the payment of financial compensation, the procedure for claiming such compensation under the insurance scheme of EULEX needed to be quick and effective. On the latter point, the Commission welcomed the commitment of the Head of Mission to ensure this.

Mr van Dijk underlined that it was an important achievement of the Venice Commission, thanks to the requests by the Parliamentary Assembly, to have been able to assist the United Nations and the European Union in setting up these pioneer human rights review mechanisms. He thanked UNMIK, EULEX and all the other stakeholders for their constructive attitude, and underlined that the rapporteurs remained fully at their disposal for the follow-up to the opinion.

Mr Roque Raymundo, Senior Human Rights officer at UNMIK, informed the Commission that regrettably Ambassador Zannier had been prevented from participating in the Plenary Session because of the meteorological conditions and had asked him to convey to the Commission his gratitude for the assistance it had provided, and his intention to duly consider the Commission's recommendations in order to develop ways to implement them. There existed some problems which UNMIK had to face in connection with the HRAP, including in terms of additional resources which the relations with the HRAP required. Mr Raymundo stressed that it was impossible for UNMIK to proceed to the payment of non-material compensation under the current rules and mandate. The question was under discussion in New York, and Ambassador Zannier thought that the Venice Commission's opinion could be of help. The proposal to have recourse to a wide range of restorative measures was welcome, and would be duly considered against the background of the pertaining practical and political constraints. Mr Raymundo also informed the Commission that the outcome of the HRAP had increased by 300% compared to

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\* All references to Kosovo shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



the previous year, and the mandate of the members had just been extended. He concluded by welcoming again the Venice Commission's contribution.

Mr Andy Sparkes, Deputy Head of Mission of EULEX, underlined that EULEX was the largest EU mission in the world; he considered that the Venice Commission's recommendations would be useful for all the EU executive missions in the field of justice. He expressed gratitude for the Commission's involvement and assistance.

The establishment of the HRRP had been decided very early as a complementary channel for EULEX accountability. It had already started its activities. The EU would itself assess the efficiency and functioning of the panel. EULEX was satisfied that the Venice Commission had found that the HRRP was in compliance with the applicable standards. The Commission's recommendations had been duly noted and would be submitted for consideration to the Council of the European Union. He agreed with the opinion that the mandate of the panel in respect of the justice sector was rather unclear as concerned case-allocation and conduct and procedure of the EULEX Prosecutors. In his view, some consultation with the Luxembourg or Strasbourg Court prior to the appointment of the members as well as the longer duration of their mandate were not to be excluded. He assured that the insurance arrangements for the financial compensation of human rights victims would be robust and expeditious. Concerning the reasons for not abiding with the recommendations of the HRRP, while Mr Sparkes pointed out that that would only happen in exceptional cases, he thought that there could well be circumstances in which the reasons for doing so could only be very succinctly explained to the public. He concluded by thanking the Commission for its useful recommendations, which would be duly considered.

Certain amendments to the text of the opinion were proposed and accepted by the Commission.

**The Commission adopted the opinion on the existing mechanisms to review the compatibility of acts by UNMIK and EULEX with human rights standards, with amendments ([CDL-AD\(2010\)051](#)).**

## 20. Kyrgyzstan

*Joint opinion by the Venice Commission and OSCE/ODIHR on the draft law on Peaceful Assembly of Kyrgyzstan*

Mr Aurescu indicated that while there was room for improvement, the draft law under examination appeared to reflect a clear understanding of the basic principles of freedom of assembly and generally complied with the relevant international standards, including the OSCE/ODIHR – Venice Commission Guidelines on Freedom of Peaceful Assembly, 2<sup>nd</sup> Edition. Mr Aurescu welcomed the fact that the drafters had generally taken into account many of the recommendations provided in the 2009 Joint Opinion of OSCE/ODIHR and the Venice Commission (CDL-AD(2009)034). He nevertheless stressed that adequate follow-up to the recommendations contained in the current Opinion was essential in order to avoid arbitrary implementation of the provisions of the future law.

In order to improve the draft, the authorities were invited, *inter alia*, to expand the principles enunciated in the draft in order to include, amongst others, the principles of legality and proportionality, to specifically indicate that any restrictions to freedom of peaceful assembly may only be imposed in accordance with the law and in pursuit of legitimate aims, to revise and complete the list of definitions of terms provided in the draft in accordance with the OSCE/ODIHR – Venice Commission Guidelines, to review the provisions regarding the length

of, the conditions of and the exceptions from the notification procedure as well as those which may amount to blanket prohibitions, to revise the provisions related to obligations and liability of the state and local self-government bodies, to spell out that unlawful, but peaceful assemblies, should also be facilitated by law-enforcement bodies.

The draft law should further use, throughout its provisions, the language of the Kyrgyz Constitution and refer to “everyone” instead of “citizens”.

**The Commission adopted the draft joint opinion by the Venice Commission and OSCE/ODIHR on the draft law on Peaceful Assembly of Kyrgyzstan with amendments ([CDL-AD\(2010\)050](#)).**

## 21. Serbia

*Avis conjoint de la Commission de Venise et de l’OSCE/BIDDH sur le projet de loi sur le financement des activités politiques en République de Serbie*

M. Hamilton présente le projet d’avis sur le projet de loi sur le financement des activités politiques en République de Serbie, préparé conjointement avec l’OSCE/BIDDH suite à la demande du ministre de la Justice de la République de Serbie. De l’avis de rapporteurs, le projet de loi est en grande partie conforme aux standards internationaux et offre un bon système de financement des activités politiques en Serbie. Il serait néanmoins souhaitable d’apporter certaines améliorations, notamment prévoir dans la loi certaines limites au volume du financement privé et consacrer le principe de l’égalité des candidats. Les autorités de Serbie sont également invitées à modifier le texte afin qu’il n’y ait plus de conditions préalables au financement d’une organisation politique, et que la participation notamment des femmes soit promue. Concernant les sanctions prévues, certaines lacunes devraient être comblées : la loi dresse en effet une liste de sanctions mais ne différencie aucunement entre les violations graves et mineures.

Mme Marta Achler de l’OSCE/BIDDH soutient en tous points les éléments présentés par M. Hamilton.

**La Commission adopte l’avis conjoint de la Commission de Venise et de l’OSCE/BIDDH sur le projet de loi sur le financement des activités politiques en République de Serbie ([CDL-AD\(2010\)048](#)).**

## 22. “The former Yugoslav Republic of Macedonia”

*Amicus curiae brief for the Constitutional Court of “the former Yugoslav Republic of Macedonia” on amendments to several laws relating to the system of salaries and remunerations of elected and appointed officials*

The Constitutional Court of “the Former Yugoslav Republic of Macedonia” had requested an *amicus curiae* brief on amendments to the legislation on salaries and remunerations of elected and appointed officials, which reduced their salaries by 10 per cent. With reference to judicial independence, the Parliament had excluded judges and prosecutors from the reduction, whereas the salaries of the judges of the Constitutional Court had been reduced. The opinion concluded that in times of economic crisis the salaries of judges could be reduced exceptionally, if this was a measure concerning all state officials alike. However, the

judges of the Constitutional Court could not be excluded from measures which are more favourable to ordinary judges.

**The Commission adopted without debate the draft *amicus curiae* brief for the Constitutional Court of “the former Yugoslav Republic of Macedonia” on amendments to several laws relating to the system of salaries and remunerations of elected and appointed officials ([CDL-AD\(2010\)038](#)).**

### **23. Co-operation with the International Ombudsman Institute**

Mr Rafael Ribo, Chairman of the European Chapter of the International Ombudsman Institute (IOI), presented the mission and membership of his institute: it was founded in 1978 to support and promote ombudsman institutions, and has a membership of more than 150 institutions all over the world with a very strong European chapter. The IOI had co-operation programmes in a number of European countries and worked with various Council of Europe bodies. Current challenges were competences transferred to ombudsman institutions as national mechanisms under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment (OPCAT) and problems related by the increase of private companies performing public services. The IOI was keen on co-operating with the Venice Commission.

Mr Tuori pointed out that in its opinions the Commission had always insisted on the establishment of strong and independent ombudsman institutions as mechanisms ensuring the respect of the rule of law and of human rights. In its recent report on the Law on the Ombudsman of Montenegro, the Commission had insisted on strong investigating powers for the ombudsman as an OPCAT mechanism. The Commission was ready to give opinions upon request by national ombudsman institutions as it already had done in the case of Armenia. Co-operation with the IOI was possible via such requests and in the preparation of general reports on topics of mutual interest.

### **24. Other constitutional developments**

– *Kazakhstan*

Mr Nikolay Belorukov, member of the Constitutional Council of Kazakhstan, stated that, since its independence, his country had been following the path of democratic States. The Constitution and its political system had opened up to democratic standards, and new dimensions had been introduced in the legislation in the last years, as for example concerning social rights. Kazakhstan was also expanding its role as a key actor in the region of Central Asia and had recently hosted the summit of representatives of all member States of the OSCE, which was followed by the Astana Declaration. The Constitutional Council had also strengthened freedoms and rights in the country through its work. Although Kazakhstan was not a member of the Venice Commission, but only an observer State, it would be happy to reinforce its partnership with the Venice Commission.

Mr. Buquicchio thanked Mr Belorukov and expressed his wish that Kazakhstan enter into a more active co-operation, notably concerning the programme which the Venice Commission coordinates on behalf of the European Union with the five Republics of Central Asia.

– *Hungary*

Mr Markert informed the Commission that following a decision annulling a law retroactively taxing severance payments for state officials, the Governmental 2/3 majority in Parliament had severely curtailed the jurisdiction of the Constitutional Court by way of a constitutional amendment, which had been hastily adopted. The Court could now review laws only if they violated the right to life and human dignity, the right to the protection of personal data, the right to freedom of thought, conscience and religion or the right to Hungarian citizenship, all of which were supposedly unrelated to financial issues. It was doubtful whether the intention of the Government to adopt a completely new constitution by April 2011 would provide occasion to overcome the situation.

A number of members expressed serious concern about those amendments, which they found to be contradicting the rule of law, given that in response to a specific judgment Parliament had reduced the jurisdiction of the Court on a general basis.

**The Commission expressed its readiness to assist the Hungarian authorities as well as the Council of Europe organs in this matter.**

## **25. Constitutional developments in observer States**

– *Japan*

Mr Minami informed the Commission about a judgment of the Supreme Court of Japan of 14 September 2005 relating to out-of-country voting. In accordance with the Japanese Election Act, a part of the members of the Parliament are elected in single-seat constituencies and another part by proportional representation. The Act allowed Japanese citizens living abroad to vote in national elections but only for party lists. The Supreme Court declared the Election Act unconstitutional because it violated the right to vote of Japanese citizens living abroad as well as the constitutionally guaranteed principle of equality. Further to that decision, the Election Act had been revised and already in 2006 the Japanese abroad had been able to vote also for individual candidates.

## **26. Other business**

As there was no further business, Mr Buquicchio and Mr Markert thanked all the members.

## **27. Dates of the next session and dates of sessions in 2011**

The schedule of sessions for 2011 was confirmed as follows:

86 <sup>th</sup> Plenary Session	25-26 March 2011
87 <sup>th</sup> Plenary Session	17-18 June 2011
88 <sup>th</sup> Plenary Session	14-15 October 2011
89 <sup>th</sup> Plenary Session	16-17 December 2011

Sub-Commission meetings as well as meetings of the Council for Democratic Elections will take place on the day before the Plenary Sessions.

**ANNEX 1 – Lists of participants / Liste des participants**

<b>ALBANIA/ALBANIE</b>	Mr Viktor GUMI (Apologised/Excusé)
<b>ALGERIA/ALGERIE</b>	M. Boualem BESSAÏH M. Mohamed HABCHI
<b>ANDORRA/ANDORRE</b>	Mr Miquel Angel CANTURRI MONTANYA
<b>ARMENIA/ARMENIE</b>	Mr Gaguik HARUTUNYAN
<b>AUSTRIA/AUTRICHE</b>	M. Christoph GRABENWARTER (Apologised/Excusé) Mr Kurt HELLER
<b>AZERBAIJAN/AZERBAIDJAN</b>	Mr Lätif HUSEYNOV
<b>BELGIUM/BELGIQUE</b>	Mr Jan VELAERS M. Jean-Claude SCHOLSEM
<b>BOSNIA AND HERZEGOVINA/ BOSNIE-HERZEGOVINE</b>	M. Cazim SADIKOVIC (Apologised/Excusé)
<b>BRAZIL/BRESIL</b>	Mr Gilmar MENDES
<b>BULGARIA/BULGARIE</b>	Mr Eugeni TANCHEV
<b>CHILE</b>	Mr Mario FERNANDEZ BAEZA
<b>CROATIA/CROATIE</b>	Ms Jasna OMEJEC (Apologised/Excusée) Ms Slavica BANIC
<b>CYPRUS/CHYPRE</b>	Mr Frixos NICOLAIDES (Apologised/Excusé)
<b>CZECH REPUBLIC/ REPUBLIQUE TCHEQUE</b>	Ms Veronika BILKOVA
<b>DENMARK/DANEMARK</b>	Ms Katerina SIMACKOVA
<b>ESTONIA/ESTONIE</b>	Mr Jorgen Steen SORENSEN Mr Oliver KASK (Apologised/Excusé) Ms Berit AAVIKSOO
<b>FINLAND/FINLANDE</b>	Mr Kaarlo TUORI
<b>FRANCE</b>	M. Jean-Claude COLLIARD M. Hubert HAENEL
<b>GEORGIA/GEORGIE</b>	Mr George PAPUASHVILI (Apologised/Excusé) Mr Konstantin VARDZELASHVILI (Apologised/Excusé)
<b>GERMANY/ALLEMAGNE</b>	Mr Wolfgang HOFFMANN-RIEM Ms Angelika NUSSBERGER
<b>GREECE/GRECE</b>	Ms Kalliopi KOUFA
<b>HUNGARY/HONGRIE</b>	Mr Peter PACZOLAY Mr Laszlo TROCSANYI
<b>ICELAND/ISLANDE</b>	Ms Herdis THORGEIRSDOTTIR (Apologised/Excusée)
<b>IRELAND/IRLANDE</b>	Ms Finola FLANAGAN Mr James HAMILTON
<b>ISRAEL/ISRAËL</b>	Mr Dan MERIDOR
<b>ITALY/ITALIE</b>	Mr Gianni BUQUICCHIO ( <b>President/Président</b> ) Mr Sergio BARTOLE Mr Guido NEPPI MODONA (Apologised/Excusé)
<b>REPUBLIC OF KOREA/ REPUBLIQUE DE COREE</b>	Mr Kong-hyun LEE
<b>KYRGYZSTAN/KYRGHYZSTAN</b>	(Apologised/Excusé)
<b>LATVIA/LETTONIE</b>	Mr Aivars ENDZINŠ
<b>LIECHTENSTEIN</b>	Mr Harry GSTÖHL
<b>LITHUANIA/LITUANIE</b>	Mr Kestutis JANKAUSKAS

<b>LUXEMBOURG</b>	Mme Lydie ERR (Apologised/Excusée)
<b>MALTA/MALTE</b>	Mr Ugo MIFSUD BONNICI
<b>MEXICO/MEXIQUE</b>	Ms Maria del Carmen ALANIS FIGUEROA (Apologised/Excusée)
	Mr Manuel GONZALEZ OROPEZA
<b>MOLDOVA</b>	Mr Nicolae ESANU
<b>MONACO</b>	M. Dominique CHAGNOLLAUD
	Mr Christophe SOSSO (Apologised/Excusé)
<b>MONTENEGRO</b>	Mr Srdjan DARMANOVIC
	Mr Zoran PAZIN
<b>MOROCCO/MAROC</b>	M. Abdellatif MENOUNI
	M. Abdelaziz LAMGHARI
<b>NETHERLANDS/PAYS-BAS</b>	Mr Peter van DIJK
	Mr Ben VERMEULEN (Apologised/Excusé)
<b>NORWAY/NORVEGE</b>	Mr Jan HELGESEN
	Mr Frederik SEJERSTED
<b>PERU/PEROU</b>	Mr Carlos MESIA RAMIREZ (Apologised/Excusé)
<b>POLAND/POLOGNE</b>	Ms Hanna SUCHOCKA
<b>PORTUGAL</b>	Mme Maria Fernanda PALMA
<b>ROMANIA/ROUMANIE</b>	Mr Lucian MIHAI
	Mr Bogdan AURESCU
<b>RUSSIAN FEDERATION/ FEDERATION DE RUSSIE</b>	Mr Valeriy ZORKIN (Apologised/Excusé)
<b>SAN MARINO/SAINT-MARIN</b>	
<b>SERBIA / SERBIE</b>	Mme Barbara REFFI (Apologised/Excusée)
<b>SLOVAKIA/SLOVAQUIE</b>	Mr Vojin DIMITRIJEVIC
	Ms Ivetta MACEJKOVA (Apologised/Excusée)
	Mr Eduard BARANY
<b>SLOVENIA/SLOVENIE</b>	Ms Maria SIEGFRIEDOVA
	Mr Klemen JAKLIC (Apologised/Excusé)
	Mr Peter JAMBREK
<b>SPAIN/ESPAGNE</b>	Ms Paloma BIGLINO CAMPOS
<b>SWEDEN/SUEDE</b>	Mr Iain CAMERON (Apologised/Excusé)
	Mr Johan HIRSCHFELDT
<b>SWITZERLAND/SUISSE</b>	Mme Gret HALLER
	Ms Monique JAMETTI GREINER
<b>"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"/ "L'EX REPUBLIQUE YOUGOSLAVE DE MACEDOINE"</b>	
	Ms Gordana SILJANOVSKA-DAVKOVA
<b>TUNISIA/TUNISIE</b>	Mr Fathi ABDENNADHER
	Monsieur Kamel CHARFEDDINE
<b>TURKEY/TURQUIE</b>	Mr Ergun ÖZBUDUN
<b>UKRAINE</b>	Ms Marina STAVNIYCHUK
	Mr Serguii KIVALOV
<b>UNITED KINGDOM/ ROYAUME-UNI</b>	Mr Jeffrey JOWELL

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**SECRETARIAT GENERAL OF THE COUNCIL OF EUROPE /  
SECRETARIAT GENERAL DU CONSEIL DE L'EUROPE**

Mr Mateo SORINAS BALFEGO, Secretary General of the Parliamentary Assembly

**COMMITTEE OF MINISTERS/COMITE DES MINISTRES**

Ambassador Zohrab MNATSAKIANIAN, Permanent Representative of Armenia to the Council of Europe

**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE /  
ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

Mr Mevlut ÇAVUSOGLU, President of the Parliamentary Assembly  
Mr Lluís Maria de PUIG, Former President of the Parliamentary Assembly  
Mr Serhiy HOLOVATY, Member of the Committee on Legal Affairs and Human Rights  
Mr Andreas GROSS, Chair of the Socialist Group  
Mr Tiny KOX, Chair of the United European Left Group  
Ms Karin WOLDSETH, Vice-President of the European Democrat Group  
Mr Paolo GIARETTA, Vice-President of the Alliance of Liberals and Democrats for Europe  
Mr Jean-Claude MIGNON, on behalf of the European People's Party Group

**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE /  
CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE**

Mr Lars O. MOLIN, Chair of the Monitoring Committee of the Congress (Apologised/Excusé)

**COUNCIL FOR DEMOCRATIC ELECTIONS /  
CONSEIL DES ELECTIONS DEMOCRATIQUES**

M. Andreas GROSS, Président

**EUROPEAN UNION/UNION EUROPEENNE**

European Commission/Commission européenne

M. Patrick HETSCH, Conseiller juridique principal (Apologised/Excusé)

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