



Strasbourg, 15 October 2012

CDL-PV(2012)003 syn
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

92nd PLENARY SESSION
(Venice, 12-13 October 2012)

SYNOPSIS

The Commission

- Paid tribute to the late **Vojin Dimitrijević**, Director of the Belgrade Centre for Human Rights and member in respect of Serbia;
- Held an exchange of views with Mr Shahin Aliyev, Head of the Department of Legislation and Legal Expertise, Office of the President of the Republic of **Azerbaijan** and adopted the joint opinion by the Venice Commission and the OSCE/ODIHR, on the law on freedom of religious faith of Azerbaijan following its consideration by the Sub-Commission on Fundamental Rights on 11 October 2012;
- Adopted the opinion on the practice of blanket resignations from ministerial office in the Federation of **Bosnia and Herzegovina**;
- Held an exchange of views with Mr Robert Répassy, Minister of State for Justice of **Hungary**, and adopted the opinions:
 - o on the amendments to the cardinal acts on the judiciary, following its consideration by the Sub-Commission on the Judiciary on 11 October 2012 ;
 - o on the Act on Informational Self-Determination and Freedom of Information of Hungary;
- Heard a message on behalf of the Secretary General of the Council of Europe addressed to the delegation of the National Constituent Assembly of **Tunisia**;
- Was informed by Mr Larbi Abid, Vice-President of the Tunisian Constituent Assembly, and by Mr Habib Khedher, General Rapporteur on the Constitution, on the upcoming agenda for the adoption of the new constitution of Tunisia and on the results of the exchange of views held on 12 October 2012;
- Adopted the opinion on the draft law prepared by the Ukrainian Commission on Strengthening Democracy and the Rule of Law on the Public Prosecutor's Office of **Ukraine**, following its consideration by the Sub-Commission on the Judiciary on 11 October 2012;
- Was informed on follow-up to: the Opinion on the *Amicus Curiae* Brief for the Constitutional Court of **Bosnia and Herzegovina** on the law of the Republika Srpska on the status of state property located on the territory of the Republika Srpska and under the disposal ban; the Interim Opinion on the Draft Constitutional Amendments of **Luxembourg**; the Opinions on judicial reform in **Serbia**; and the Opinions on the draft laws on the use of languages in **Ukraine**;
- Held an exchange of views with Mr Knut Vollebæk, **OSCE High Commissioner for National Minorities**;
- Was informed by Ms Ingrid Schulerud, Ambassador, Section for Central Europe and the EEA Financial Mechanisms, Ministry of Foreign Affairs of **Norway**, on EEA Grants and Norway Grants;
- Was informed on recent activities and perspectives for co-operation with **Jordan**;
- Was informed on recent activities in **Kyrgyzstan**;
- Was informed on the progress of work on the draft opinion on the Electoral Law of **Mexico**;

- Was informed on the progress of work on the opinions on draft amendments to the Constitutional provisions relating to the judiciary of **Montenegro** and on the status of religious communities in Montenegro;
- Was informed on co-operation activities with **Morocco**;
- Was informed on the situation in **Romania** and progress of work on the draft opinion on the Constitutional situation in Romania and Government emergency decrees, to be prepared at the request of the Secretary General of the Council of Europe and of the Government of Romania;
-
- Was informed on the results and conclusions of the Conference on "Political Parties in a democratic society: legal basis of organisation and activities" held in St Petersburg (**Russian Federation**) on 27-28 September 2012 as well as on the consideration by the Sub-Commission on Fundamental Rights of the draft opinion on the amendments to the legislation on freedom of assembly, to be adopted at a forthcoming session;
- Held an exchange of views with representatives of the **Committee of Ministers**, the **Parliamentary Assembly** and the **Congress of Local and Regional Authorities** of the Council of Europe;
- Postponed consideration of the report on the **Limitation of Mandates and Incompatibilities of Political Functions** to a forthcoming session;
- Confirmed the dates of the next session for 14-15 December 2012 and fixed the dates of its 2013 sessions as follows: 8-9 March 2013; 14-15 June 2013; 11-12 October 2013; 6-7 December 2013.

Joint meeting of a delegation of the National Constituent Assembly of Tunisia with Venice Commission members (Venice, 12 October 2012)

A joint meeting took place in Venice on 12 October 2012 between several members of the Venice Commission and a delegation of the National Constituent Assembly of Tunisia (NCA), composed of:

- Mr Larbi ABID, Vice-President;
- Mr Habib KHEDHER, General Rapporteur on the Constitution;
- Mr Najjar ABDELMAJID, Rapporteur, Committee on the Preamble, the fundamental principles and the revision of the Constitution;
- Mr Amor CHETOUI, President of the Constitutional Committee on Legislative and Executive powers and the relations between the two;
- Mr Imed HAMMAMI, President of the Constitutional Committee on local and regional self-government bodies;
- Ms Farida LABIDI, President of the Constitutional Committee on Rights and Liberties;
- Mr Mohamed Elarbi Fadhel MOUSSA, President of the Constitutional Committee on Ordinary, Administrative, Financial and Constitutional Justice;
- Mr Jamel TOUIR, President of the Constitutional Committee on Constitutional Bodies,

and accompanied by Mr Mouldi AYARI, Advisor to the NCA and Liaison officer between the Venice Commission and the NCA.

The six chapters of the draft new constitution of Tunisia were analysed and discussed in detail.

Several topics were the object of exchanges of views and experiences, in particular: references to international law and international aspects; the relations between the preamble and the other chapters of the constitution; the guarantees of formal and substantive gender equality, including the notion of “complementarity” between men and women; the irrevocability of judges; the powers of the constitutional court; the limitation of mandates of the President; the extent of parliamentary immunity; legislative initiative of the executive, of single MPs, of the people; the means of guaranteeing the authority and impact of constitutional authorities; own and delegated competences of local authorities. As concerns the system of distribution of powers, the delegation of the Venice Commission was informed that the choice between a purely parliamentary and a mixed system was imminent.

The delegation of the National Constituent Assembly expressed its full satisfaction for the constructive and useful exchange of views despite the limited time available. The delegation of the Venice Commission expressed its appreciation of the work carried out so far by the NCA and its readiness to pursue this co-operation through further exchanges and/or meetings.