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Bil.

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

**COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT**  
**(COMMISSION DE VENISE)**

**96<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista,**  
**Friday, 10 October 2013 (9.00 a.m.) -**  
**Saturday, 11 October 2013 (1.00 p.m.)**

**96<sup>e</sup> SESSION PLÉNIÈRE**  
**Venise, Scuola Grande di San Giovanni Evangelista**  
**Vendredi 10 octobre 2013 (9h00) -**  
**Samedi 11 octobre 2013 (13h00)**

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

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\*This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.

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## 1. Adoption of the Agenda

The Commission paid tribute to the late Peter Schieder, former President of the Parliamentary Assembly of the Council of Europe.

The agenda was adopted as it appears in document [CDL-OJ\(2013\)004ann.](#)

## 2. Communication by the President

M. Buquicchio informe la Commission de ses activités récentes qui figurent dans le document [CDL\(2013\)058.](#)

M. Buquicchio, au nom du Bureau Elargi, propose à la Commission d'une part d'élire M. Paczolay, membre sortant au titre de la Hongrie, en tant que Président Honoraire de la Commission, et d'autre part de créer une Association d'Anciens Membres et Membres du Secrétariat de la Commission de Venise.

**La Commission élit M. Paczolay, membre sortant au titre de la Hongrie, en tant que Président Honoraire de la Commission, et crée une Association d'Anciens Membres et Membres du Secrétariat de la Commission de Venise.**

M. Buquicchio informe la Commission de sa participation à la journée dédiée à la Commission de Venise, organisée à La Haye, par le Ministère des affaires étrangères des Pays-Bas à laquelle ont participé également M. van Dijk, M. Vermeulen et Mme Thomassen.

La Commission est également informée de sa participation les 21 et 22 novembre aux Assises de la Justice organisées à Bruxelles par Mme Reding, Commissaire européenne à la justice, aux droits fondamentaux et à la citoyenneté.

## 3. Communication by the Secretariat

Mr Markert informed the Commission that, following approval by the Enlarged Bureau, a co-operation agreement would be signed with the Bingham Centre for the Rule of Law and a memorandum of understanding would be signed with the OSCE Parliamentary Assembly.

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

Ambassador Gunning, Permanent Representative of Ireland to the Council of Europe, expressed Ireland's satisfaction with and support for the Venice Commission's work. The participation of the Venice Commission in the Committee of Ministers' meetings was to be regarded, in his view, as an important tool for ensuring coherence in the Council of Europe's work, notably in respect of the supervision of the execution of judgments of the European Court of Human Rights, which was stressed in the Brighton Declaration of 2012.

Ambassador Gunning also referred to the reflections within the EU about the possible setting up of a mechanism to supervise the rule of law within the EU and stressed that the Secretary General of the Council of Europe had met with Commissioner Reding and President Barroso in order to avoid any duplication with the work of the Council of Europe. In this respect, the potential for the Venice Commission to act as a transversal body between the countries that are a part of the EU and countries outside the EU was underlined.

Ambassador Rennel, Permanent Representative of Estonia to the Council of Europe expressed the view that it would be desirable for more Western European countries to avail themselves of the assistance of the Venice Commission. She also referred to certain Venice Commission opinions on points which, in her view, deserved further reflection.

Mr Gussetti briefly informed the Commission about the stage of reflection reached with respect to the introduction of a new procedure that would deal with infringements of democracy and the rule of law in Member States.

Through the Lisbon treaty, the infringement procedure provided in Article 258 TEU was complemented by a new procedure aimed at addressing clear risks of a serious breach by a member State of the basic values of the EU Treaty (human dignity, freedom, democracy, equality, the rule of law and respect for human rights – Article 2 TEU). That procedure envisaged suspending the voting rights of the Member State concerned (Article 7 TEU). However, given the difficulty to apply that procedure, the introduction of a new, intermediate procedure was currently being considered.

## **5. Co-operation with the Parliamentary Assembly**

Mr Chope, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, informed the Commission on co-operation with the Assembly.

Mr Chope informed the Commission that ,during the Assembly's Autumn part-session, a report on "European Union and Council of Europe human rights agenda: synergies not duplication!" prepared under an urgent procedure had been adopted. The risk of duplication with the EU remained an issue, all the more since the ratification by the EU of the European Convention on Human Rights seemed not to have made a lot of progress. The transversal role of the Venice Commission which had just been mentioned was, in this context, very topical and will be followed closely by the Parliamentary Assembly. Since the Venice Commission's last session, the Parliamentary Assembly had held two sessions during which there were debates related to the Venice Commission's opinions, such as those related to Hungary, Bosnia and Herzegovina, Moldova and Georgia. Mr Chope relayed some concerns about the delays in the opinion by the Venice Commission on two Russian laws, commonly referred to as the laws on "Foreign Agents" and "Treason and Espionage". Finally, Mr Chope referred to the fruitful one-week visit by Mr Clayton during the last PACE session. He expressed the wish that a representative of the Venice Commission would be able to attend meetings of the Monitoring Committee on a more regular basis.

## **6. Co-operation with the Congress of Local and Regional Authorities of the Council of Europe**

Mr Molin, Chair of the Monitoring Committee of the Congress, informed the Commission about the three main areas of the Congress' work: the consolidation of election observation follow-up, post monitoring and stepping up efforts of co-operation with the Council for Democratic Elections. With respect to the latter, he informed the Commission that the Congress had appointed a thematic spokesperson to the Council of Democratic Elections, to ensure the regular participation of the Congress at these meetings.

## **7. Co-operation with the OSCE Parliamentary Assembly**

This item was postponed to a later session.

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

Mr Markert underlined that the follow-up to earlier opinions of the Venice Commission had become a substantial and important part of the Commission's work.

The Commission was informed on the follow-up to:

- *Opinion on the draft Law on the Courts of Bosnia and Herzegovina* ([CDL-AD\(2013\)015](#))

Mr Markert had taken part in the Thematic Plenary Session on the Reform of the State Level Judiciary in Brussels on 12 July 2013, organised within the framework of the EU-Bosnia and Herzegovina Structured Dialogue on Justice, in which the opinion on the draft law on the Courts of Bosnia and Herzegovina had been discussed. The main recommendation of defining the jurisdiction of the State Court more clearly would be implemented. Criticism by the Commission that any reference to the Constituent Peoples quota was inappropriate in the context of the judiciary was supported by many representatives of the BiH judiciary.

- *Opinion on the Fourth Amendment to the Fundamental Law of Hungary* ([CDL-AD\(2013\)012](#))

Mr Martonyi, Minister for Foreign Affairs of Hungary, had announced in June that amendments would be made to the Fundamental Law in order to meet the recommendations made by the Venice Commission. However, these amendments were still found not to be adequate by the Venice Commission. A Fifth Amendment had now been adopted, in reply to the criticism made by the Venice Commission, the positive aspects of which removed the system of the transfer of cases and abandoned the provision on special tax in case of unexpected expenditures resulting from court decisions. The deadline for the Constitutional Court to deal with cases referred to it for constitutional review has been increased from 30 to 90 days - which the Venice Commission still considers not to be enough.

The Venice Commission had also criticised the position of the President of the National Judicial Office, which, on the constitutional level, is hierarchically superior to the National Judicial Council. The new amendment now gave the National Judicial Council a more prominent role, letting it supervise the central administration of courts. However, the wording of this paragraph was still not very coherent.

The issue concerning the recognition of churches by Parliament had also been criticised by the Venice Commission and had now been amended: Parliament no longer recognises churches as such, but decides on the co-operation with "established churches". This change seemed to be largely semantic.

As regards election campaigns, political parties used to have no access to commercial media - this ban had been lifted, albeit in an unhelpful manner, as political parties now have access to commercial media, but only if it is free of charge.

- *Opinion on the Draft new Constitution of Iceland* ([CDL-AD\(2013\)010](#))

The new Parliament of Iceland (elected in April 2013) had confirmed in early July 2013 the temporary amendment to the procedure for revising the Constitution already adopted by the previous Parliament before the end of its term. As required by the current Icelandic Constitution, in order to become a part of the Constitution, the amendment to the law needed to be adopted by the newly elected parliament.

This temporary provision, in force until 30 April 2017 (the end of term of the present parliament), enables, in line with the suggestion of the Venice Commission, a more rapid adoption of constitutional amendments and the direct involvement of the population. If adopted by two-thirds of the votes in Parliament, any amendment to the Constitution shall be submitted to referendum for approval, instead of having to be adopted by a single majority of two parliaments.

- *Amicus curiae brief on the Immunity of Judges for the Constitutional Court of Moldova* ([CDL-AD\(2013\)008](#));

The Constitutional Court of Moldova had sought an *amicus curiae* brief on amendments to the Law on the Status of Judges, which completely removed immunity of judges in cases of passive bribery and trafficking of influence. In its opinion, the Venice Commission had observed that while some countries provided for functional immunity, other states, especially in Eastern Europe, accorded full immunity, also covering private acts of judges and judges could be prosecuted only once this immunity had been lifted. The Commission found that no European standards existed on whether judges should benefit from immunity and that the Moldovan legislation did not contradict international standards.

In its judgement of 5 September 2013, the Constitutional Court of Moldova referred to the Commission's opinion and agreed that judicial immunity was not an absolute guarantee and should not provide privileges but only shield judges from external pressure. Nonetheless, the Court found part of the law to be partly unconstitutional because it was unclear who could take investigatory measures against judges (only the Prosecutor General could bring a case to court) and because the fight against corruption could not justify the complete removal of immunity for administrative offences.

- *Opinion on the draft law on the amendments to the Constitution, strengthening the independence of Judges and on changes proposed by the Constitutional Assembly to the Constitution of Ukraine* ([CDL-AD\(2013\)014](#)).

Mr Markert reminded the Commission that its opinion on the draft amendments had been rather positive. Since the adoption of the opinion, further improvements had been made in the draft amendments in line with the Commission's recommendations: The dismissal of judges under the vague term "breach of oath" had been replaced with "commitment of disciplinary offences incompatible with the office of a judge". The Prosecutor General would no longer be able to vote in decisions of the High Judicial Council concerning the career of a judge (this was very important because of the dominance of prosecutors over judges – for example 98 per cent conviction rates). Judges of the Constitutional Court would retire only when their successor took office (in the past, the absence of such a rule had led to the inability of the Court to sit for more than a year). The High Qualification and Disciplinary Council obtained a constitutional basis. The Supreme Court was tasked to ensure the equal application of the law by the courts (hopefully including high specialised courts). The impossibility to dismiss judges even when courts were closed went even further than the Commission's recommendations. However, the recommendation to replace full immunity (also for acts done in the judges' private capacity) with functional immunity only had not been followed.

377 deputies of the Verkhovna Rada had voted in favour of transmitting the draft to the Constitutional Court for opinion but, following the positive opinion of the Court, only 244 deputies had then voted in favour of the amendments at first reading, the opposition having abstained. The decisive vote for which a two-thirds majority was required would take place at the second reading in January. Mr Buquicchio expressed the hope that the opposition would act in a constructive manner on that occasion.

## 9. Montenegro

The opinion on certain amendments to the Constitution in the field of the Judiciary, requested by the Speaker of the Parliament, Mr Krivokapic, had been transmitted to the Montenegrin authorities on 24 June 2013 and was presented for endorsement at this Plenary Session of the Venice Commission.

Mr Neppi Modona introduced the opinion, stating that it was the last step of several years of work on the constitutional amendments to improve the independence of the judiciary in Montenegro, avoiding at the same time a self-perpetuating and a politicised government of judges. Opinions in this field were adopted in 2007, 2011 and 2012. The Venice Commission welcomed the draft amendments on the Judicial Council, the Supreme State Prosecutor and the Constitution, mainly concerning the establishment of anti-deadlock mechanisms for the election and the dismissal of the four lay-members of the Judicial Council and of the seven constitutional judges. The existence of a second round of voting with a qualified majority of three-fifths was considered an acceptable solution, clearly preferable to a second round of voting by the majority of all MPs.

While the reforms were welcomed and appeared to be in line with international standards, the Venice Commission had been informed that the composition of the Constitutional Court was being totally renewed prior to the expiry of the mandate of the current judges and that all prosecutors would also be subject to reappointment. The Venice Commission regretted that the holders of these offices were not allowed to complete their respective mandates.

**The Venice Commission endorsed the Opinion on the Draft Amendments to three constitutional provisions relating to the Constitutional Court, the Supreme State Prosecutor and the Judicial Council of Montenegro ([CDL-AD\(2013\)028](#)).**

## 10. Ukraine

- *Opinion on the Draft Law on the Prosecution Office of Ukraine*

Mr Tuori pointed out that, as compared to the current situation, the draft law on the prosecution service would bring about important improvements, notably by removing the system of general supervision, which was a remnant of the Soviet *prokuratura* system. Nonetheless, the draft opinion identified five major issues, which should be addressed before the adoption of the law: (1) The main problem was that the draft law retained non-penal powers of prosecutors, especially as concerns the representation of individuals in court. Prosecutors should only be empowered to intervene after the court had accepted such intervention and the individuals or their representatives should have had a possibility to object to such intervention. (2) Safeguards against illegal instructions to inferior prosecutors were required and all general instructions should be published. (3) The Prosecutor General should be shielded against interference from political organs by prolonging his or her mandate, by setting out the grounds for dismissal in the Constitution and by removing the constitutional provision subjecting the Prosecutor General to the possibility of a vote of no confidence by Parliament. Especially the latter provision reflected a clearly mistaken concept of the institution. Pending constitutional amendments, the law should provide for input from an advisory body. (4) The provision on liability for 'disrespect' of prosecutors needed to be amended. (5) The provisions on disciplinary procedure needed to be improved in order to provide human rights' guarantees and a clear system of appeals needed to be introduced. In view of the very high rates of condemnations (98 per cent), negative consequences for prosecutors had to be excluded in case of acquittals because they exerted pressure on judges in order to avoid negative effects on their own career. Mr McBride pointed out that in addition to the law of the prosecutor's office, legislation on the national bureau of



investigation needed to be adopted to complete the reform. In addition to the five main topics the draft opinion raised many other issues which should be addressed; *inter alia* the system of self-governance was too complex and should be simplified. The date of entry into force of the law depended on when the High Qualification and Disciplinary Commission was ready to take up its work.

Mr Bilous, Deputy Prosecutor General of Ukraine, welcomed the opinion, which had been prepared under severe time constraints, and insisted that the draft law would bring about a profound reform of the prosecution system. The powers required for the exercise of the representation of individuals had a constitutional basis and could not lead to the reintroduction of general supervision. The powers of the Prosecutor General to conclude international agreements in judicial matters were required and had their basis in the law on international treaties. Following the adoption of the draft law, the reform would continue on the constitutional level.

Mr Kozhemiakin, Head of the Committee on Legislative Support of Law Enforcement of the Verkhovna Rada, spoke on behalf of three Ukrainian opposition groups and insisted that the powers conferred by Article 24 of the draft law would result in general supervision. The draft law therefore provided for general supervision in the guise of representation of individuals. The prosecutors retained full knowledge on all matters concerning citizens and business entities, like in Soviet times. Provisions on disciplinary provisions were too vague and the High Qualification and Disciplinary Commission could block the whole reform by delaying the entry into force of the law. The opposition would vote for the draft law only when all of the recommendations of the Venice Commission would be implemented.

Mr Kivalov insisted that it had to be ensured that the appointment procedure for prosecutors did not lead to delays in the recruitment of young prosecutors. Following the adoption of the law, a constitutional reform would be undertaken. Mr Buquicchio expressed the hope that the political parties would engage in a constructive dialogue for the adoption of the law.

**The Commission endorsed the Opinion on the Draft Law on the Prosecution Office of Ukraine ([CDL-AD\(2013\)025](#)) .**

- *Joint Opinion of the Venice Commission and the OSCE/ODIHR on the Draft Amendments to legislation on the Election of People's Deputies and other related laws of Ukraine*

In April 2013, the former Minister of Justice of Ukraine, Mr Lavrynovych, requested the Venice Commission and the OSCE/ODIHR to comment on the text of the draft laws regulating parliamentary elections, including a draft Law for holding repeat elections for the constituencies where results had not been established in the 2012 parliamentary elections. In response to this request, the Venice Commission and the OSCE/ODIHR provided a written joint opinion on the draft legislation in June 2013 (CDL-AD(2013)016). In July 2013, the Ministry of Justice provided additional amendments, as well as extensive written comments in response to the June 2013 Joint Opinion, and requested the OSCE/ODIHR and the Venice Commission to provide an opinion on the new amendments.

This Joint Opinion carefully considered the written comments of the Ministry of Justice submitted both in August and in October 2013 in its assessment of the July amendments. Although the July amendments were in general a positive step, extensive revisions were necessary to incorporate unaddressed recommendations. There had been a number of positive steps, mainly concerning the maximum number of voters allocated to polling stations, the reduction of the number of members of Precinct Electoral Commissions, the inclusion of more



categories of documents by the election commissions to be published, the reduction of the amount of the deposit for registering party lists and single-member district candidates and the inclusion in campaigns of information in minority languages.

Since August 2013, a series of Round Tables to discuss the recommendations of the OSCE/ODIHR and the Venice Commission and the electoral reform in Ukraine had been organised in Kiev. The OSCE/ODIHR and the Venice Commission welcomed the organisation by the Ministry of Justice of these public and inclusive discussions of the amendments and the electoral reform process with the different stakeholders, including the civil society. However, a comprehensive electoral reform, amending and harmonizing the different pieces of electoral legislation regulating parliamentary, presidential and local elections was necessary. The change in the electoral system, and significant amendments aiming to ensure fully the rights to vote and to be elected remained necessary.

The First Deputy Minister of Justice of Ukraine, Ms Yemelyanova, welcomed the good co-operation between the Ministry of Justice, and its current Minister, Ms Lukash, and the Venice Commission. Some of the pending amendments implied a reform of the Constitution and would therefore require an important consensus among all stakeholders in the country, which may take a long time and was a question that the Ukrainian people should decide. However, there was the will to follow most of the recommendations sent by the Venice Commission and Ms Yemelyanova thanked the Commission for the co-operation.

**The Venice Commission adopted the Joint Opinion of the Venice Commission and the OSCE/ODIHR on the Draft Amendments to legislation on the Election of People's Deputies and other related laws of Ukraine ([CDL-AD\(2013\)026](#)).**

## 11. Azerbaijan

Ms Thorgeirsdottir introduced the draft opinion on the Legislation pertaining to the Protection against Defamation of the Republic of Azerbaijan which had been prepared following a request from the presidential Administration of the Republic of Azerbaijan, in the context of the execution of two important judgments of the European Court of Human Rights (ECtHR) having found violations of Article 10 European Convention on Human Rights (ECHR) by Azerbaijan. A number of amendments agreed by the Sub-commission on Fundamental Rights were also presented.

In spite of the rapporteurs' preliminary recommendations following their visit to Baku, no measures had been taken to address the shortcomings identified in the draft civil law on defamation submitted to it. Furthermore, in spite of the authorities' commitment to work towards decriminalization of defamation in co-operation with the Venice Commission, no progress has been made in this direction. Defamation remained associated with excessively high criminal sanctions, including imprisonment. Its scope had even been widened to online expressions, without any prior information or consultation with the Commission. This was particularly problematic in light of the extremely difficult environment in which journalists and the media operate in Azerbaijan.

In the Venice Commission's view, while representing a first step in devising comprehensive civil legislation in the area of defamation, the draft law on the protection against defamation was in its current form, in many aspects, in breach of the ECHR and of the Strasbourg case law on freedom of expression.

A comprehensive and consistent approach - coupling the development of strong and efficient civil law provisions, with the substantial amendment of the relevant criminal provisions - was necessary. Regulations dealing with defamation had to be formulated in a way that prevented unduly severe rules and sanctions. Strong and effective - proportionate - remedies for defamation could be provided through civil law.

Mr Giakoumopoulos, Director of the Directorate for Human Rights of the Council of Europe, stressed the importance when providing assistance to member States of ensuring synergies and co-operation between the various structures of the Council of Europe. Mr Giakoumopoulos welcomed the co-operation between the Venice Commission and the Department for the Execution of the Judgments of the Court in the context of the current opinion and stressed that such an approach, beneficial to all parties involved, should be maintained in the future.

**The Commission adopted the Opinion on the Legislation pertaining to the Protection against Defamation of the Republic of Azerbaijan ([CDL-AD\(2013\)024](#)).**

## 12. Kyrgyzstan

The rapporteurs and OSCE/ODIHR stressed at the outset that, as the request was very urgent, the opinion was prepared in an extremely short time and without consultation with the Kyrgyz authorities; for this reason, it was proposed to adopt it as an interim one, aiming to contribute towards the public discussion scheduled to take place in Bishkek on 18 November.

The draft law under consideration would amend three laws, and would have the following main effects: 1. it would add obligations (notably reporting ones) to all NGOs; 2. It would create a special legal status for foreign NGOs, which would be deemed to be "foreign agents" when they are established in Kyrgyzstan, receive funds from abroad and participate in "political activities"; foreign agents would be subject to a special registration procedure, to additional auditing obligations and to unscheduled searches; 3. It would increase the powers of public authorities to monitor NGOs and to impose sanctions. The interim opinion expressed the view that the draft law raises issues in respect of legality (particularly as concerns the definition of "political activity"). The necessity of this special regime in a democratic society is also open to question. The impact of the draft law on the exercise of the right to freedom of association further risks being disproportionate. The interim opinion concluded by recommending reconsideration of the draft law by the Kyrgyz authorities.

**The Venice Commission adopted the joint interim opinion with the OSCE/ODIHR on the Draft Law amending the law on non-commercial organisations and other legislative acts of the Kyrgyz Republic ([CDL-AD\(2013\)030](#)).**

## 13. Bosnia and Herzegovina

Ms Bilkova presented the background to the request received from the Constitutional Court of Bosnia and Herzegovina. The draft *Amicus curiae* brief, as well as a number of amendments proposed by the rapporteurs, had been examined by the Sub-commission on Fundamental Rights.

As this was an *amicus curiae* brief it had examined the questions raised by the Constitutional Court of BiH only as a matter of principle, leaving it to the Court to address the concrete case at hand.

The analysis was based on three main premises: the key importance of the non-discrimination principle in the international protection of fundamental rights and its broad understanding as the prohibition of differentiated treatment in the absence of objective and legitimate reasons, the need to place it in the BiH specific context, and the special symbolic value of the national day for people living in a country and their identity.

The particular date chosen as the Republic Day in the Republika Srpska had already been challenged, in a wider context, before the BiH Constitutional Court, which had found it discriminatory.

As did the BiH Court, the *amicus curiae* brief considered problematic the choice, for the Republic Day, of a date of particular significance for one of the constituent peoples only which is painful for people belonging to other communities of the Republika Srpska. Such a choice was hardly in line with the unifying values of dialogue, tolerance and mutual understanding that in general underlie such a choice. The *amicus curiae* brief concluded that this might have a disproportionate impact on members of certain national communities living in the Republika Srpska.

In the light of the specific circumstances of BiH and taking into account the case law of the Constitutional Court of BiH, the provisions of the Law on Holidays of the Republika Srpska may give rise to discrimination in the meaning of Article 1 of Protocol 12 ECHR and Article 2(a), (c), (d) of the ICERD, in conjunction with Article II(4) of the Constitution of BiH. In case the BiH Court declared the provisions at issue discriminatory, alternative, more inclusive and less controversial options could be found to address the choice of the Republic Day, including by the adoption a law on national holidays at the state level.

**The Commission adopted the *amicus curiae* brief on the compatibility with the non-discrimination principle of the selection of the Republic Day of the Republika Srpska (CDL-AD(2013)027).**

#### **14. Romania**

The Commission was informed of the results of the meetings held in Bucharest on 4-5 July 2013 with the representatives of Parliamentary Commission of Romania for the revision of the Constitution and the main political forces, as part of the assistance provided by the Commission at the request of the Prime Minister of Romania. On this occasion, it was agreed that a revised draft law for the revision of the Constitution, taking into account the recommendations of the Venice Commission's experts, would be submitted to the Venice Commission.

The transmission of the revised draft had been postponed to 2014, as had been the constitutional revision process, due in particular to the amendment of the law on referendums lowering the participation quorum from 50% to 30% and the subsequent request, by the President of Romania, for a constitutional review of the amended law.

#### **15. Russian Federation**

Mr Paczolay informed the Commission on the progress of work on the draft opinion on Federal law No. 7-FZ of January 12, 1996 on non-profit organisations of the Russian Federation, as amended on 11 February 2013 as well as on the draft opinion on the Federal law on making amendments to the Criminal Code of the Russian Federation and Article 151 of the Code of Criminal Procedure of the Russian Federation adopted on 23 October 2012. In order to have a better understanding of the context of these laws, the Rapporteurs visited Moscow on 16-18 September 2013. They met with representatives of the Supreme Court of the Russian Federation, the Ministry of Justice, the general Procurator's Office, the Deputy Head of the

Office of the Human Rights Commissioner, the Chair of the Committee for associations and religious organisations of Federal Council of the Parliament, the Chair of the Committee for security and fight against corruption of the State Duma, and the Institute for legislation and comparative law. Finally, the rapporteurs devoted half- a day to meet and discuss with several representatives of NGOs. Since a constitutional complaint had been registered before the Constitutional Court of the Russian Federation, the draft opinion would only be presented to the Commission for adoption once the Constitutional Court had delivered its decision.

## 16. Report of the meeting of the Sub-Commission on Working Methods (10/10/2013)

Mr Sorensen recalled that in December 2012 all members and substitute members had been invited to submit their proposals for improving the Commission's working methods, if necessary through amendments of the rules of procedure. A few members had reacted, and they had taken part in a working meeting in Paris in April. Several issues had been discussed and had resulted in concrete proposals. Two more complex issues had been left aside and would be addressed in the future: decisions on the agenda for Plenary Sessions in case of disagreements and a systematic approach to the follow-up to the Commission's opinions.

Mr Sorensen finally stressed that the Commission would continue to reserve the right to turn down requests for opinions when necessary, and added that the Commission would also reserve its right to limit the analysis to the most urgent or controversial issues in order to prioritise its resources.

Four formal amendments to the Rules of procedure were proposed (changes in bold):

Article 1 of the Rules of Procedure to read that "no later than **8 weeks** before the expiry of the term of office" the Secretary of the Commission invite the State to proceed with the appointments for the next term.

Article 6 paragraph 2 of the Revised Rules of Procedure to read that:

"The President shall direct the work of the Commission. **Outside Plenary sessions, he or she shall take decisions on behalf of the Commission, where appropriate in consultation with the Bureau**".

Article 14 to read that:

"Draft reports and draft opinions of the Commission are as a general rule prepared by one or more rapporteurs appointed by **the President**."

New Article 17a- Scientific Council

"The Scientific Council shall contribute to the high quality and the consistency of the Commission's studies and opinions.

The Commission shall decide every two years upon the composition of the Scientific Council, which will be chaired by the First Vice-President.

The Chair of the Scientific Council or a person designated by him or her shall report at the subsequent Plenary Session on its activities."

Mr Sorensen further proposed the following practical measures to be taken by the Secretariat:

1. The Commission's basic documents (statute, rules of procedure, guidelines to the Commission's working methods) will be posted on the restricted website in a visible and easily accessible manner (through a dedicated menu item);
2. Individual comments by rapporteurs relating to opinions will no longer be made public, but will be made available to members on a confidential basis;

3. Members and substitute members will be provided with the list of contact details of their colleagues;
4. Requests for studies (except in electoral matters) received by the Commission will be submitted to the Scientific Council for approval.

At Plenary Sessions:

5. Members and guests will be provided with identification badges to wear during the sessions;
6. A recently set up giant screen enables everyone to visualise the speakers. Speakers will also be introduced by the meeting's chair;
7. Documents amended in Venice will be made available to members electronically as well as on paper;
8. A written note with the rules for taking the floor will be distributed to all members and will also be given to guests in Venice.

**The Commission adopted the proposed amendments to its revised Rules of Procedure (CDL-AD(2013)031) and agreed to the proposed practical measures to be taken by the Secretariat.**

## 17. Information on constitutional developments in other countries

### *Armenia*

The Secretariat informed the Commission of the recent establishment of a Constitutional Reform Committee in charge of preparing, before April 2013, a Concept paper for the revision of the Armenian Constitution, initiated by the President of Armenia.

The Commission was also informed that, in his speech before the Parliamentary Assembly of the Council of Europe during its last plenary session (30 September-4 October 2013), the President of Armenia called for the Council of Europe's support in this process, and specifically mentioned the Venice Commission.

### *Cyprus*

Mr Nicolatos informed the Commission that due to the economic crisis the Cypriot Parliament had adopted a law reducing the salaries of all employees – public and private – by 20 per cent. Some first instance judges appealed against the law to the Supreme Court, invoking the express constitutional prohibition of reducing judges' salaries. Referring to relevant case-law of the US Supreme Court, the Supreme Court of Cyprus decided in June that judges' salaries could be reduced only indirectly by tax laws affecting everyone. However, the law under review reduced salaries directly and was no tax law of general application. As a consequence, the Law was held to be unconstitutional insofar as it related to judges. However, following the judgement, all judges in Cyprus decided to voluntarily reduce their salaries by 20 per cent. This result satisfied the Government.

## 18. Tunisia

Les rapporteurs présentent leurs observations sur le projet de constitution de la Tunisie, finalisé par l'Assemblée Nationale Constituante de Tunisie (ANC) le 1er juin 2013. Ces observations ont été envoyées à l'ANC le 17 juillet, car l'ANC aurait dû adopter la nouvelle constitution pendant l'été. Suite à l'assassinat le 25 juillet du leader de l'opposition

Mohammed Brahmi, le travail de l'ANC a cependant été suspendu et la constitution n'a toujours pas été adoptée.

a. Le rôle de l'Islam

Le projet de constitution consacre le principe d'un état civil gouverné par le droit. L'article 1er de la constitution (comme l'article 1er de la constitution de Bourghiba) affirme que l'Islam est la religion « de la Tunisie ». Il existe cependant des tensions entre le caractère civil de l'Etat (et les principes de pluralité, neutralité et non-discrimination également énoncés) et la place prédominante faite à l'Islam : si le caractère civil de l'Etat est un principe immuable qui ne peut être soumis à révision, fait son apparition en tant que principe immuable également « l'Islam en tant que religion de l'état » ; l'Etat est garant de la religion (article 6), mais garantit « la liberté de conscience et de croyance et le libre exercice du culte » ; l'Etat est le protecteur du sacré (article 6) mais garantit la neutralité des mosquées et des lieux de culte par rapport à toute instrumentalisation partisane » ; l'égalité de tous les citoyens et les citoyennes devant la loi sans discrimination est affirmée, mais le Président de la République doit être musulman (article 73), le serment des MPs et du gouvernement est exclusivement religieux, et le Président nomme et révoque le Mufti (ce qui crée un lien très fort entre l'Etat et l'Islam).

L'article 144 proclame la nécessité d'interpréter la constitution comme un tout harmonieux : il faudrait éliminer les contradictions (abolir le principe immuable de l'Islam en tant que religion d'état ; abolir le rôle de l'Etat comme protecteur du sacré ; garantir la neutralité de tout lieu de culte contre les instrumentalisations idéologiques ; garantir le droit de changer de religion ou de n'en avoir aucune ; abolir le critère de la religion musulmane pour le Président).

b. Les restrictions à l'exercice des droits fondamentaux ; l'égalité homme/femme

Le projet de constitution consacre la plupart des droits fondamentaux reconnus par les traités internationaux, ce qui est très positif ; il contient d'une part une clause générale (l'article 48) qui stipule le principe de légalité et le principe qu'une restriction ne doit pas porter atteinte à l'essence du droit ; d'autre part, les dispositions relatives à certains droits contiennent également des clauses spécifiques.

Il manque, et c'est une lacune grave, le principe de proportionnalité de l'ingérence et de nécessité dans une société démocratique. De plus, il faut soit abolir les clauses spécifiques, soit les inclure pour chaque droit.

L'article 20 proclame l'égalité en droits et en devoirs des citoyens et des citoyennes, sans discrimination aucune. L'article 45 par contre stipule l'égalité des chances entre homme et femme « pour assumer les différentes responsabilités » : cette dernière clause devrait être abolie car elle suggère que l'égalité soit limitée.

c. Le régime politique

Le régime politique choisi est un régime parlementaire à correctif présidentiel (ou semi-présidentiel). Le Président est élu à suffrage direct en deux tours pour cinq ans (comme le parlement) ; il ne peut avoir plus de deux mandats (principe immuable ; ceci est très positif). En plus des fonctions protocolaires, il a trois domaines réservés : la défense, les affaires étrangères et la sécurité nationale. Le choix des ministres des affaires étrangères et de la défense doit se faire en consultation avec lui/elle, et il/elle préside obligatoirement le conseil des ministres dans ces domaines. Aucun acte du Président n'est soumis à contreseing ministériel. Le Président dispose du pouvoir d'initiative législative (ceci devrait être limité aux domaines réservés, autrement cela peut être source de conflit avec le gouvernement). Il/elle peut saisir la Cour constitutionnelle (à la différence du Premier ministre). Le Président peut

demander une seconde lecture des lois (à l'exception des lois des finances et de lois de réforme constitutionnelle), et le projet de loi devra alors être adopté à la majorité absolue et non plus simple (ce pouvoir d'exiger pour toute loi la majorité requise pour les lois organiques est contesté en Tunisie). Le Président nomme les magistrats, mais sur proposition du Conseil supérieur de la Magistrature. Il/elle peut demander un référendum sur les projets de lois

Le Premier ministre (PM) est le candidat du parti qui a gagné les élections. Si dans les quatre mois qui suivent les élections, la confiance n'est pas accordée au Premier ministre, le Président peut décider de la dissolution du parlement (seul cas de pouvoir de dissolution). Le rôle du Président dans la désignation du PM est dès lors étroitement réglementé mais s'il y avait de nombreuses crises ministérielles, les pouvoirs du Président prendraient un grand poids. Le PM détermine la politique générale. Un système de motion de censure constructive à l'allemande est prévu, ce qui renforce le PM et garantit une bonne stabilité, mais il manque un mécanisme pour régler les cas où le PM ne jouit plus de la confiance du parlement, mais aucune autre majorité ne se profile. Il serait non démocratique de permettre au PM de rester ; la dissolution du parlement devrait être l'issue ultime de cette situation. Le PM a une grande autorité sur ses ministres (cependant, la possibilité de retirer la confiance à un seul ministre est prévue, ce qui n'est pas cohérent).

Il existe des possibilités de conflit entre le Président et le PM. L'ordre des élections aura un effet sur la présidentialisation éventuelle du régime (et sur la bipolarisation à la française). Toutefois le Président tunisien ne disposera pas du pouvoir de dissolution du président français.

#### d. Le pouvoir judiciaire

Le projet de constitution consacre les principes de neutralité et intégrité du juge, de sa responsabilité dans l'accomplissement de ses fonctions, l'inamovibilité : ceci est très positif. L'immunité des juges, par contre, est trop large.

Un Conseil supérieur de la magistrature (CSM) est institué, ce qui est très positif. Cependant, la composition devrait être revue, car le nombre des personnes nommées est largement supérieur (trois quart) au nombre de magistrats élus : ceci pose problème à l'égard de l'indépendance du CSM.

La Cour constitutionnelle (CC) exerce un contrôle a priori et un contrôle à posteriori, ce qui est positif. Cependant, la saisine de la CC devrait être élargie. Elle n'appartient qu'au Président pour le contrôle a priori, ce qui ne se comprend pas : un certain nombre de MPs ainsi que le PM devraient avoir ce pouvoir. Le contrôle des lois de révision de la constitution ne peut être demandé que par le Speaker du parlement : ce pouvoir devrait être accordé également à l'opposition. Il faudrait également qu'un délai soit fixé pour la décision de la CC.

#### e. Les instances constitutionnelles

La constitution devrait prévoir des garanties d'indépendance de ces instances, notamment que leurs membres soient nommés avec une majorité qualifiée (particulièrement l'instance de l'information).

#### f. Le pouvoir local

Le projet de constitution prévoit la décentralisation du pouvoir ; il ne consacre pas explicitement l'autonomie locale, mais il la garantit dans la substance. Ce chapitre est succinct, ce qui est acceptable, mais il conviendrait d'ajouter le système d'élection des



conseils municipaux et régionaux, ainsi que le principe du transfert « par blocs de compétences ».

g. Les dispositions transitoires

La Constitution entrera en vigueur progressivement, au fur et à mesure que les lois de mise en œuvre seront adoptées. Cependant, il manque dans le projet les délais d'adoption de ces lois (notamment pour la Cour constitutionnelle et pour le Conseil supérieur de la magistrature). De plus, l'ANC continuera d'exercer le pouvoir législatif et pourra créer « des instances » : cette disposition est trop large et trop vague. Un délai maximal devrait être imparti pour qu'elle prenne les lois d'application de la constitution et les matières dans lesquelles elle est habilitée à intervenir et devrait être limitativement fixées.

M Larbi Abid, deuxième vice-président de l'Assemblée Nationale Constituante, informe la Commission qu'après de longues discussions, la feuille de route proposée par le quartet de médiation (l'Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat, l'Union Générale Tunisienne du Travail, l'Ordre National des Avocats, la Ligue Tunisienne de défense des droits de l'Homme) a été signée, le 5 octobre 2013, par 24 partis politiques dont deux partis au gouvernement, à savoir Ettakattol et Ennahdha. Elle prévoit la démission du gouvernement mené par Ennahdha dans un délai ne dépassant pas les trois semaines suivant le début du dialogue national et la finalisation du processus constitutionnel dans un délai de quatre semaines. Trois ateliers, à savoir l'atelier du processus électoral, l'atelier du processus constitutionnel et l'atelier du processus gouvernemental ont été créés afin de favoriser la réussite du dialogue national.

M. H. Kheder, rapporteur général, précise que l'ANC a fait le choix de ne traiter dans la constitution que les éléments de détail qui touchent à l'essence des principes et renvoyer autrement le détail à la loi. Il affirme que l'existence d'une religion d'état n'est pas inconciliable avec le caractère civil de l'Etat. Le Président n'est par ailleurs pas un chef religieux. A cet égard, M Kheder informe la Commission de l'intention du constituant tunisien de supprimer le principe immuable d'une religion d'état à l'article 141 paragraphe 1 du projet de constitution. Il apporte ensuite un certain nombre de précisions, concernant notamment le rôle de l'Etat en tant que garant de la religion et protecteur du sacré. Il explique les discussions concernant la composition de la cour constitutionnelle et le pouvoir local. S'agissant des dispositions transitoires, il souligne la nécessité d'accorder aux institutions tunisiennes un délai raisonnable pour accomplir la phase provisoire ; il s'agira par la suite d'adopter les lois organiques par ordre de priorité. M Abid ajoute des explications sur la signification de la formule « protecteur du sacré » et sur le rôle sociologique de l'islam. Il s'ensuit une discussion lors de laquelle plusieurs amendements au texte des observations sont décidés.

**La Commission adopte l'avis sur le projet final de la constitution de la République tunisienne (CDL-AD(2013)032).**

## 19. Georgia

Mr Tanchev presented the draft opinion on three draft constitutional laws amending the constitution of Georgia which related to proposed amendments either to the constitution of Georgia currently in force, or to constitutional amendments which have been adopted in 2010 and 2011 but have not yet entered into force and should enter into force "upon the oath taken by the newly elected President in October 2013".

In particular, one proposed amendment related to the procedure for amending the constitution and was controversial. While the constitution in force requires one vote with a majority of two-thirds of the total number of the members of Parliament, under the amendment due to come into force in October 2013, two votes held at an interval of at least 3 months with a majority of three-fourths of the total number of the members of Parliament are required.

The proposed amendments would repeal both the reflection period of at least three months between the two votes and the need to achieve a three-fourths majority for the adoption of a constitutional reform and to reject the president's remarks opposing the reform.

The opinion stressed that when it comes to constitutional amendment, the challenge is to balance the requirements of rigidity and flexibility, but that the constitution cannot be amended in conjunction with every change in the political situation in the country or after a formation of a new parliamentary majority. The Commission had previously expressed the view that in Georgia the system of a single vote by a two-thirds majority of the total number of MPs was insufficiently protective of the constitution and had considered the introduction of a double vote separated by a period of three months as a step forward in this direction. As the proposed amendment would be equivalent to a return to the pre-2010 system, it called for the same reservations.

Ms Khidasheli, Member of Parliament of Georgia, informed the Commission that several of the proposed amendments under consideration had been adopted by the Georgian parliament on 5 October 2013 with the support of all parties. As concerned the procedure of constitutional amendment, she considered that the draft opinion was rather vague, and asked the Commission to provide a clearer indication of what degree of rigidity it would consider sufficiently protective of the constitution.

She informed the Commission that on 5 October a Constitutional Commission had been established; its Chairman, Mr Usupashvili, Speaker of Parliament, would fix the composition within one month.

Mr Minashvili, Member of Parliament of Georgia, underlined that the previous amendment having consisted in increasing the required majority for constitutional amendments from two-thirds to three-quarters had responded to the Venice Commission's call for more rigidity and had been adopted by-partisanly.

In the ensuing discussion, Venice Commission members underlined that there were several ways to obtain the necessary balance between rigidity and flexibility of a constitution; the solution depended on the concrete situation of each country and was a political, not a technical matter.

**The Commission adopted the opinion on three draft constitutional laws amending the constitution of Georgia ([CDL-AD\(2013\)029](#)).**

## **20. Coopération avec d'autres pays**

### *Maroc*

Mme de Guillenchmidt informe la Commission des résultats de la demande d'assistance faite à la Commission, par Mme Hakkaoui, Ministre de la Solidarité, de la Femme, de la Famille et du Développement Social. Cette demande consistait à analyser deux projets de lois : l'un portant sur la création de l'Autorité chargée de la parité et de la lutte contre toutes les formes de discrimination préconisée par les articles 9 et 164 de la Constitution ; l'autre portant sur la

création du Conseil de la famille et de l'enfance, cité dans les articles 32 et 169 de la Constitution.

L'analyse de ces textes a été faite avec des experts de secteurs spécialisés du Conseil de l'Europe, issus de l'ECRI ou du Service de l'Égalité et de la dignité humaine du Conseil de l'Europe qui avaient eu une audition, en avril 2013, avec les commissions scientifiques créées afin de fournir aux autorités des propositions pour ces projets de lois.

Concernant le projet de loi sur l'Autorité chargée de la parité et de la lutte contre toutes les formes de discrimination, les rapporteurs ont en général salué positivement ce projet loi, et l'initiative prise par le gouvernement marocain pour la mise en place d'une telle autorité qui va dans le bon sens. Certes, le projet comporte quelques imprécisions ou lacunes notamment eu égard à certaines recommandations de politique générale édictées par l'ECRI ou par les Principes de Paris, mais elles devraient être aisées de corriger. La pertinence du choix mono motif de cette instance qui sera dévolue entièrement à la discrimination fondée sur le sexe et non à toutes les formes de discrimination relève du choix discrétionnaire des autorités marocaines. Envisagé comme première étape, ceci peut constituer un élément positif, d'autant plus que d'autres instances en Europe ont connu une telle genèse. L'instance prévue dans le projet bénéficie de garanties d'indépendance importantes, elle peut prononcer des sanctions, leur modalités de mise en place devraient être néanmoins plus précises. Un autre point faible du projet consiste dans le défaut d'auto saisine de cette autorité, même si on peut saluer son habilité à saisir la cour constitutionnelle marocaine. Le projet de loi traite essentiellement des questions liées à l'égalité, il est à penser qu'une loi subséquente interviendra pour traiter plus précisément des questions de parité.

Sur le projet de loi relatif au Conseil de la famille et de l'enfance, les rapporteurs n'ont pas relevé de dispositions incohérentes ou qui iraient à l'encontre de pratiques européennes. Certaines imprécisions dans le texte pourront être corrigées facilement.

Ces avis seront transmis directement à Mme la Ministre et ne constitueront pas des avis publics de la Commission.

M. Menouni remercie les rapporteurs pour ces informations comme pour le travail qui a été déployé dans cette demande d'assistance et offre sa collaboration pour apporter, à l'avenir, des précisions ou informations qui pourraient être utiles pour une meilleure compréhension du contexte de ces projets.

## **21. Information on forthcoming events**

Mr Aurescu informed the Commission on the organisation of an International Conference on "Political Parties – key factors in the political development of democratic societies", which will take place in Bucharest on 18-19 October 2013 in co-operation with the Ministry of Foreign Affairs of Romania and the OSCE/ODIHR. Representatives from countries in the Southern Neighbourhood have been invited to exchange their expertise. These countries included Egypt, Iraq, Jordan, Morocco, National Palestine Authority, Tunisia and Yemen. Romanian and foreign experts would also share their views around three thematic sessions: establishment and registration of political parties, financing of political parties and the participation of political parties in elections. This would also be the third intercultural workshop on democracy.

Mr Gonzalez Oropeza informed the Commission on the organisation of a series of events to be held in Mexico City from 23 to 25 October 2013. Firstly, the organisation of a big International Electoral Congress on "The implementation of international human rights treaties in national legislation", in co-operation with the Venice Commission and the Electoral Tribunal of Mexico. 11 members of the Venice Commission, as well as 20 speakers from all Latin American countries would attend this event to share their views on the topic, which was

related to the Study launched by the Venice Commission on the same topic, following the change in the Mexican Constitution opening itself towards International Law and the follow up to the *Radilla Pacheco* case. For the first time, the meeting of the Sub-Commission on Latin America would take place outside Venice, in Mexico City, on 24 October 2013, and all members of the Sub-Commission, as well as members of the Venice Commission attending the event were invited, as well as representatives from all Latin American countries and a representative of the Organization of American States (OAS). Finally, the agreement on the VOTA database in the electoral field between the Electoral Tribunal of Mexico and the Venice Commission, the result of more than a year's work in re-designing the Web Page and updating its contents, including electoral legislation from all Latin America, would be signed.

Mr Markert informed the Venice Commission about the organisation of a Conference on constitutional and judicial reform in Turkey, in co-operation with the Turkish Think Tank TESEV, which would take place in Strasbourg on 29 October 2013. The Conference is an important event, mainly taking into account the debate on the election of members from the judicial council, which were elected by their peers and, in the current discussions, the trend is that they will be elected by Parliament by a qualified majority. The good working relationship with TESEV, which has provided very useful material and insight into former opinions issued by the Venice Commission, was stressed.

## **22. Report of the meeting of the Joint Council on Constitutional Justice (8-9/10/2013)**

Mr Grabenwarter, Co-Chair of the Joint Council, informed the Commission about the 12<sup>th</sup> meeting of the Joint Council on Constitutional Justice which took place immediately prior to this Plenary Session in Venice. He said that there was a clear message from all the constitutional courts that the co-operation with the Venice Commission was of the utmost importance and that the exchange of information between the liaison officers on the various forums provided for them was very active.

Mr Grabenwarter said that the co-operation with regional groups was successful and informed the Commission about the upcoming Congress of the Conference of European Constitutional Courts in Vienna in May 2014 and the World Conference on Constitutional Justice and the organisation its Third Congress, which will be hosted by the Constitutional Court of Korea on 28 September - 1 October 2014 in Seoul.

The Constitutional Court Seminars (CoCoSems) are fewer in number due to budgetary restraints, but remain an important part of the co-operation with constitutional courts and uphold the dialogue with these courts. The Commission should continue to support these seminars.

This year's mini-conference had dealt with the topic of children's rights. During this event the study currently being prepared by the Venice Commission on Children's Rights in Constitutions was introduced. The participants in the mini-conference were also informed that the European Court of Human Rights was preparing a compilation of its judgments on children's rights, which should be published next year.

The next meeting of the Joint Council on Constitutional Justice will be hosted by the Constitutional Court of Georgia in Batumi, at the end of June 2014.

## **23. Report of the meeting of the Scientific Council (10/10/2013)**

Mr Helgesen informed the members about the discussions held by the Scientific Council on the mandate of the Council and the related provisions devoted to it in the revised Rules of Procedure of the Commission. The Commission was also informed that the end of the mandate of some of its members had also affected the Council's composition and that new members

would need to be appointed following the elections within the Commission during the next plenary session.

The Commission was further informed of the exchange of views held by the Council with regard to the need to revitalise UniDem seminars in the light of the expectations existing in this regard in member countries, and on the need for a pragmatic approach, taking into account the limited resources available, when initiating preparation of new thematic studies and reports.

The Commission took note of the two new thematic compilations established and endorsed by the Scientific Council, reflecting the work of the Commission on the issues of freedom of religion and political parties.

**The Commission endorsed the compilations of Venice Commission opinions concerning freedom of religion and belief ([CDL\(2013\)042](#)) and concerning Political Parties ([CDL\(2013\)045](#)).**

#### **24. Report of the meeting of the Sub-commission on Fundamental Rights (10/10/2013)**

The Chair of the Sub-Commission informed the Commission on the results and conclusions of the meeting held on 10 October 2013 concerning the preparation of a study on Children's rights in Constitutions. On a basis of a first draft report prepared by an expert in Children Rights, Ms Kilkelly, the Group of Rapporteurs decided on the outline of the study. The study will be presented for adoption by the Commission at its March 2014 session, so that it can be officially presented to the Ministerial Conference, which is taking place a week after the plenary. In the meantime the rapporteurs will complement the draft study and present to the Sub-Commission on Fundamental Rights at the Commission's December session their first proposals for recommendations and conclusions.

#### **25. Other business**

There was no other business.

#### **26. Dates of the next sessions**

The schedule of remaining session for 2013 was confirmed as follows:

97 <sup>th</sup> Plenary Session	6-7 December 2013
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The Commission confirmed the schedule of sessions for 2014 as follows:

98 <sup>th</sup> Plenary Session	21-22 March 2014
99 <sup>th</sup> Plenary Session	20-21 June 2014
100 <sup>th</sup> Plenary Session	17-18 October 2014
101 <sup>st</sup> Plenary Session	12-13 December 2014

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

[Link to the list of participants](#)