



Strasbourg, 27 September 2013

CDL-JU-OJ(2013)002ann*
Or. angl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**12th meeting of the Joint Council
on Constitutional Justice**

Venice, Italy

8 October 2013, 2 p.m. - 6 p.m.

9 October 2013, 9 a.m. - 6 p.m.

(Training session on 8 October 2013, from 10 a.m. to 1 p.m.)

DRAFT ANNOTATED AGENDA

TUESDAY, 8 OCTOBER 2013

A. Training session

(10 a.m. – 12.30 p.m.)

Part 1

The Secretariat will present the various IT- tools at the disposal of the liaison officers:

- a) Password reset procedure*
- b) Web-site of the Venice Commission, including list of Courts, list of secretaries general, list of liaison officers, links to courts, classic Venice Forum, regional and linguistic groups, World Conference on Constitutional Justice, opinions and reports*
- c) CODICES database (Internet and DVD versions)*
- d) Interim Bulletin*
- e) Venice Forum Newsgroup*

Part 2

The liaison officers will be trained in the preparation of précis (headnotes, summary, keywords), using practical examples, which were sent to them by email before this meeting.

B. Joint Council meeting

(2 p.m. – 6 p.m.)

- 1. Adoption of the Agenda**
- 2. Communication by the Secretariat**

The Secretariat will inform the participants about the current activities of the Venice Commission.

3. Updating data on the participating courts

Liaison officers are invited to let the Secretariat know whether the information regarding their Courts is correct.

4. Venice Forum

4.a. “Classic” Venice Forum

The Secretariat will report on the exchanges of information made on the ‘Classic’ Venice Forum.

Link: <http://www.venice.coe.int/JU/VeniceForum/>

Year	Number of questions received (in total)	Number of courts which sent questions	Number of answers received
2011	30	37	467 (~15 answers per question, status September 2013)

2012	19	13	370 (~19 answers per question)
2013	17	10	279 (~16 answers per question)
TOTAL	66	60	1116

4.b. Venice Forum Newsgroup

The Secretariat regularly uses the Venice Forum Newsgroup to inform liaison officers about accessions to the World Conference on Constitutional Justice (WCCJ) and appointments of Presidents to Courts.

As liaison officer rarely post any news on the Venice Forum Newsgroup, they will be invited to discuss how this Newsgroup could be used more actively.

Link: <https://cwsm.coe.int/team21/veniceforum>

5. Opinions and studies of the Venice Commission

Participants will be informed about opinions and reports adopted by the Venice Commission on ordinary and constitutional justice since the last meeting of the Joint Council in Brno, Czech Republic on 31 May 2012.

June 2012 – 91st Plenary Session of the Venice Commission

Bosnia and Herzegovina	Opinion on Legal certainty and the independence of the judiciary http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)014-e
Hungary	- Opinion on the Act on the Prosecution Service of Hungary and on the Act on the Status of the Prosecutor General, Prosecutors and other Prosecution employees and the Prosecution career http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)008-e - Opinion on the Act on the Constitutional Court http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)009-e

October 2012 – 92nd Plenary Session of the Venice Commission

Hungary	Opinion on the amendments to the cardinal acts on the judiciary http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)020-e
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December 2012 – 93rd Plenary Session of the Venice Commission

Montenegro	Opinion on two sets of draft amendments to the Constitutional provisions relating to the Judiciary http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)024-e
Romania	Opinion on the constitutional situation http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)026-e

March 2013 – 94th Plenary Session of the Venice Commission

Georgia	Opinion on the draft amendments to the organic law on courts of general jurisdiction http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)007-e
Moldova	<i>amicus curiae</i> brief on the immunity of judges for the Constitutional Court http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)008-e
Serbia	- Opinion on the draft amendments to the law on the public prosecution http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)006-e - Opinion on draft amendments to laws on the judiciary http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)005-e

Moldova	Joint <i>amicus curiae</i> brief for the constitutional court of Moldova on the compatibility with European standards of law no 192 of 12 July 2012 on the prohibition of the use of symbols of the totalitarian communist regime and of the promotion of totalitarian ideologies http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)004-e
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June 2013 – 95th Plenary Session of the Venice Commission

Bosnia and Herzegovina	Opinion on the draft Law on the Courts http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)015-e
Hungary	Opinion on the Fourth Amendment to the Fundamental Law http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)012-e
Monaco	Opinion on the balance of powers in the Constitution and the legislation of the principality of Monaco http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)018-e
Ukraine	Opinion on the draft Law on the Amendments to the Constitution, strengthening the independence of judges (including an explanatory note and a comparative table) and on the changes to the Constitution proposed by the Constitutional Assembly http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)014-e

6. Co-operation activities

6.a. Co-operation with the Conference of European Constitutional Courts (CECC)

Participants will be informed about the Venice Commission's co-operation with the Conference of European Constitutional Courts (CECC). See also under 9.b. below.

10-11 September 2012	Vienna, Austria - preparatory meeting of the Circle of Presidents of the CECC
12-15 May 2014	Vienna, Austria - XVI th Congress of the CECC

6.b Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)

Participants will be informed about the Venice Commission's co-operation with the Association of Constitutional Courts using the French Language (ACCPUF).

3-5 July 2012	Marrakech, Morocco - ACCPUF Congress on "The Citizen and the Constitutional Judge"
7-8 November 2013	Paris, France - Seminar of the national correspondents of ACCPUF
27-29 April 2014	Canada - Conference of Heads of Institutions of ACCPUF
Beginning of June 2015	Switzerland - 7 th Congress of ACCPUF

6.c. Co-operation with the Southern African Chief Justices Forum (SACJF)

Participants will be informed about the Venice Commission's co-operation with the Southern African Chief Justices Forum (SACJF).

26-28 July 2012	Maputo, Mozambique - Workshop for the Chief Justices and Conference on strengthening the rule of law through access to the courts, followed by the SACJF's annual general meeting
2-3 August 2013	Livingstone, Zambia - Annual General Assembly and Conference on the topic "The quest for an efficient judicial system as a key to democratic and economic development".

6.d. Co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND)

Participants will be informed about the co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND) and the Venice Commission.

4-5 October 2012	Yerevan, Armenia – CCCOCND Yerevan Conference in co-operation with the Constitutional Court of Armenia on the "Interaction between the constitutional court and other institutions in ensuring the execution of constitutional judgments"
3-4 July 2013	Yerevan, Armenia - Conference on "the European Standards of Rule of Law and the Scope of Discretionary Powers in the Member-States of the Council of Europe", in co-operation with the Constitutional Court of Armenia and the European Court of Human Rights (within the framework of the Chairmanship of the Republic of Armenia in the Committee of Ministers of the Council of Europe)

6.e. Co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)

Participants will be informed about the co-operation with the newly established Association of Asian Constitutional Courts and Equivalent Institutions (AACC) and the Venice Commission.

24 March 2013	Ankara, Turkey - Preparatory meeting of the Association of Asian Constitutional Courts and Equivalent Institutions
28-30 April 2014	Istanbul, Turkey – 2 nd Congress of the Association of Asian Constitutional Courts and Equivalent Institutions

6.f. Co-operation with the Ibero-American Conference of Constitutional Justice (CIJC)

Participants will be informed about the co-operation with the Ibero-American Conference of Constitutional Justice (CIJC).

early 2014	Santo Domingo, Dominican Republic – X th Ibero-American Conference of Constitutional Justice
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6.g. Co-operation with the Union of Arab Constitutional Courts and Councils (UACCC)

Participants will be informed about the co-operation with the Union of Arab Constitutional Courts and Councils (UACCC).

17-18 March 2013	Manama, Bahrain - 8 th Symposium of the UACCC on the "Direct and Indirect Interpretation of the Constitution"
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6.h. Co-operation with the Conference of Constitutional Courts of Countries of Portuguese Language (CJCPLP)

Participants will be informed about the co-operation with the Conference of Constitutional Jurisdictions using the Portuguese Language (CJCPLP).

15 May 2014	Luanda, Angola - General Assembly of the Conference of Constitutional Jurisdictions of the Portuguese-Speaking Countries (CJCPLP)
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6.i. Co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA)

Participants will be informed about the co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA).

09-11 May 2013	Cotonou, Benin – 2 nd Congress of the CCJA and seminar on "Constitutional Justice in Africa"
2015	Libreville, Gabon – 3 rd Congress of the Conference of CCJA

7. World Conference on Constitutional Justice (WCCJ)

Since the WCCJ's Statute entered into force, on 24 September 2011, 77 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice have acceded to the WCCJ. The updated list of members is available at www.venice.coe.int/WCCJ.

15 June 2013	Venice, Italy - Meeting of the Bureau of the World Conference
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The 3rd Congress of the WCCJ will be hosted by the Constitutional Court of the Republic of Korea in Seoul, on 28 September to 1 October 2014 on "**Constitutional Justice and Social Integration**".

8. Seminars with Constitutional Courts (CoCoSem)

Participants will be informed about the seminars held since the last Joint Council meeting as well as the programme for future CoCoSem seminars.

2012	
25 October	Vilnius, Lithuania – International Conference on Standards of Europe's Constitutional Heritage, 20 th anniversary of the Constitution of the Republic of Lithuania, organised in co-operation with the Constitutional Court and Vilnius University
29-30 November	Rabat, Morocco - Seminar on preliminary requests to the Constitutional Court in co-operation with the Constitutional Council of the Kingdom of Morocco
2013	
29-31 May	Arequipa, Peru – Regional conference on "Individual access to constitutional justice" (in co-operation with the Constitutional Court of Peru)
20-22 June	Yalta, Ukraine – the Venice Commission participated in the International Conference on "the Protection of Human and Citizens' rights by bodies of Constitutional Jurisdiction in the current context", organised in co-operation with the Constitutional Court of Ukraine
29-30 June	Batumi, Georgia - Conference in co-operation with the Constitutional Court of Georgia on "Theoretical and Practical Aspects of Reviewing the Constitutionality of the Constitutional Norms"
5 September	Vilnius, Lithuania - International Conference in co-operation with the Constitutional Court of Lithuania on the topic "Present Tendencies of Constitutional Justice: the Relation between national and international Law"
26-27 September	Riga, Latvia - International Conference on the "Jurisdiction of the Constitutional Court: Limits and Possibilities of Expansion"
Upcoming	
2-3 October	Bucharest, Romania - Conference on "Constitutional jurisdiction 20 years after the fall of the Communist curtain", in co-operation with the Constitutional Court of Romania

17 October	Belgrade, Serbia - On the occasion the 50 th Anniversary of its founding, the Constitutional Court of Serbia is organising, in co-operation with the Venice Commission, a conference on "Position and Perspectives of constitutional Justice"
22 November 2013	Tirana, Albania - Conference on "The Constitution as an instrument of stability and development" ", in co-operation with the Constitutional Court of Albania
28-29 November 2013	St. Petersburg, Russian Federation - "Moot Court on Constitutional Justice", under the auspices of the Constitutional Court of the Russian Federation

9. Publication of the *Bulletin on Constitutional Case-Law*

9.a Regular issues of the *Bulletin*

Participants will be shown Bulletin no. 2012/3, which they should have received.

Bulletin no. 2013/1 will be published before the end of the year.

9.b Special *Bulletins*

The Special Bulletin on the Leading Cases of the Court of Justice of the European Union will be published by the end of 2013.

For 2014, the Secretariat will publish an update to the Special Bulletin on Court Descriptions which was last published in 1999.

The working document on "Court Relations" for the XVIth Congress of the Conference of European Constitutional Courts, which will be held in Vienna on 12-15 May 2014, will be distributed in April 2014. Possibly following further updates, this working document will be published in 2015 as a Special Bulletin together with the General Report of the XVIth Congress.

10. CODICES database

10.a Updating and indexing of constitutions and laws in CODICES

Participants will be informed about the progress made in updating constitutions, laws on and descriptions of courts (see CDL-JU(2013)011).

10.b CODICES Internet entry mask

Given that liaison officers have encountered a number of difficulties with the CODICES Internet entry mask and that the Secretariat has problems with ensuring access to the mask in view of the migration of the web-site of the Venice Commission, the Secretariat would like to ask liaison officers whether they would agree that the CODICES Internet entry mask no longer be used. Contributions would be sent in as Word documents. A large majority of liaison officers already uses this way of transmission.

11. Documentation Centre on Constitutional Justice / Library

The Secretariat will thank the participating courts for their contributions to the Documentation Centre. The list of documents is available at:

http://www.venice.coe.int/site/dynamics/N_CoCentre_ef.asp?L=E

12. Other business

13. Date and place of the next meeting

Following the meetings in Brno and Venice, the next meeting of the Joint Council will take place in Batumi, Georgia (to be confirmed) in 2014.

WEDNESDAY, 9 OCTOBER 2013

C. Mini conference on “Children’s Rights”

(10 a.m. – 6 p.m.)

Chair: Anne Rasson Roland /Rik Ryckeboer

[10:00-12:20]

- *Introductory remarks on the Study of the Venice Commission on Children’s Rights*
Caroline Martin, Secretariat of the Venice Commission
- *Children’s rights and the European Convention on Human Rights*
Christoph Grabenwarter, Constitutional Court of Austria
- *Recent case-law of the European Court on Human Rights regarding children*
Aida Grgic, European Court of Human Rights

Discussion

- *Children’s rights in the Dutch constitutional framework*
Marjolein van Roosmalen, Council of State, Netherlands
- *Children’s rights in the Czech Republic focused on the case-law of the Constitutional Court*
Lubomir Majercik, Constitutional Court of Czech Republic

Discussion

Lunch [12:20-14:00]

Chair: Christoph Grabenwarter

[14:00 – 16:00]

- *A brief presentation on several recent judgments by the Constitutional Court of Austria on children’s rights*
Britta Adamovich-Wagner, Constitutional Court of Austria
- *Best interest of the child achieved through constitutional case-law*
Marieta Safta and Tudorel Toader, Constitutional Court of Romania
- Cristian Garcia Mechsner, Constitutional Tribunal Chile [to be confirmed]

Discussion

- *The constitutional consecration of children’s rights in Belgium*
Anne Rasson Roland, Constitutional Court of Belgium
Rik Ryckeboer, Constitutional Court of Belgium

Closing remarks