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Newsletter

Issue 1/2020



DECEMBER 2019 PLENARY

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Main decisions of the last plenary session which took place in December 2019 are as follows:- adoption of opinions on Bulgaria, Moldova, North Macedonia and Ukraine, of the report on inclusion of a not internationally recognised territory in a State's nationwide constituency for parliamentary elections as well as the elections for a term of two years (December 2019 - December 2022) of the President of the Venice Commission, members of the Bureau and presidents and vice presidents of sub-commissions; confirmation of the dates of the sessions in 2020 and the celebration of the 30th anniversary.

MARCH 2020 PLENARY

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Following the spread of the COVID-19, the Enlarged Bureau of the Venice Commission **decided not to hold** the scheduled 20-21 March 2020 plenary session in Venice.

Instead, some opinions were adopted by a written procedure.

IN THE PIPELINE

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What is the Commission up to these days?

[Compilation](#) of the Commission's general reports and country-specific opinions on the states of emergency - just came out!

Information on Opinions, studies and events under preparation and more!



121ST PLENARY SESSION OF THE VENICE COMMISSION

MAJOR DECISIONS

VENICE, SCUOLA GRANDE DI SAN GIOVANNI EVANGELISTA, 6-7 December 2019 - The Commission adopted:

- the following opinions on:
 - Freedom of Assembly in **Bosnia and Herzegovina**,
 - draft Amendments to the Criminal Procedure Code and the Judicial System Act on Criminal Investigation against Top Magistrates of **Bulgaria**,
 - the Law on Supporting the Functioning of the **Ukrainian** Language as the State Language and on Amendments to the Legal Framework governing the Supreme Court and Bodies of Judicial Governance of **Ukraine**,
 - the Law on the Use of Languages of **North Macedonia**;
- the *amicus curiae* Briefs for the Constitutional Courts of
 - the **Republic of Moldova** concerning the Law on the Prosecutor's Office, and on the Criminal Liability of Constitutional Court Judges.
 - **Ukraine** on the Early Termination of the Mandate of Members of Parliament of Ukraine;
- the following texts of a general nature:
 - the **Report on the compliance with Council of Europe and other international standards of the inclusion of a not internationally recognised Territory in a State's Nationwide Constituency for Parliamentary Elections**, at the request of the Committee on Rules of Procedure, Immunities and Institutional Affairs of the Parliamentary Assembly of the Council of Europe;
 - the Comments on the **Recommendation of the Parliamentary Assembly of the Council of Europe on "Ombudsman Institutions in Europe - the need for a set of common standards"** to be transmitted to the Committee of Ministers in view of the preparation of its reply to that Recommendation;

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

- G. Buquicchio (Italy) as President; C. Bazy-Malaurie (France), P. Dimitrov (Bulgaria) and R. Kiener (Switzerland) as Vice-Presidents; H. Kjerulf Thorgeisdottir (Iceland), V. Bílková (Czech Republic), M. Frendo (Malta) and T. Khabrieva (Russian Federation) as members of the Bureau; as well as the Chairs and Vice-Chairs of the Sub Commissions and Councils. ([link to the current offices](#)), with the exception of the Chair and Vice-chair of the Sub-Commission on Gender Equality.

In addition, the Commission confirmed

- the dates of the **next Plenary Sessions** as follows: 20-21 March 2020; 19-20 June 2020; 9 October 2020 and 11-12 December 2020.
- that the celebration of the Commission's **30th anniversary** will take place on 8 October 2020 in Palazzo Ducale in Venice in the presence of the President of the Republic of Italy.

[ALL TEXTS ADOPTED BY THE COMMISSION IN DECEMBER 2019](#)



122ND PLENARY SESSION OF THE VENICE COMMISSION WAS CANCELLED

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SOME OPINIONS WERE ADOPTED BY WRITTEN PROCEDURE

STRASBOURG, COUNCIL OF EUROPE, 20/03/2020 - Following the spread of the COVID-19, the Enlarged Bureau of the Venice Commission decided not to hold the scheduled 20-21 March 2020 plenary session in Venice. Instead, three opinions were adopted by a written procedure, as follows:

- Armenia: [the Joint Opinion with the OSCE/ODIHR on draft amendments to the legislation concerning political parties;](#)
- Kyrgyzstan: [the Joint Opinion with the OSCE/ODIHR on the amendments to some legislative acts related to sanctions for violation of electoral legislation;](#)
- Republic of Moldova: [the Joint Opinion with the DG-I of the Council of Europe on the draft law amending and supplementing the Constitution with respect to the Superior Council of Magistracy.](#)

In addition, the Commission adopted its Annual Report of Activities for 2019.

Consideration of the following draft opinions was postponed to the June 2020 session of the Commission:

- **Albania:** a draft Opinion on draft amendments to a law on the Audiovisual Media Service and a draft Opinion on the appointment of judges of the Constitutional Court;
- **Latvia:** a draft opinion on recent amendments to legislation on education in minority languages;
- **Russia:** a draft Opinion on the draft Amendment to the Russian Constitution (as proposed by the President of the Russian Federation on 15 January 2020), relating to the implementation of decisions by international bodies;
- **Turkey:** a draft Opinion on the replacement of elected candidates and mayors.

In addition, the Commission will be invited to endorse the following opinions adopted earlier by the urgent procedure:

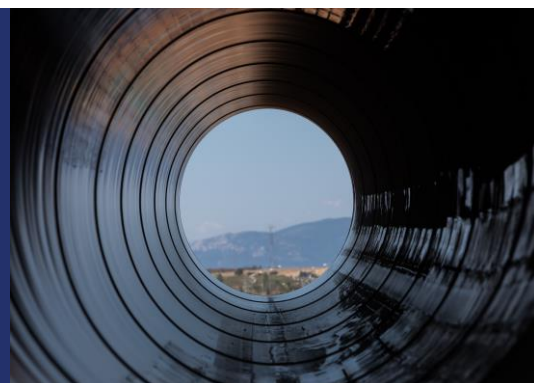
- **Republic of Moldova:** an urgent Joint Opinion with the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft Law on amending the Law No. 947/1996 on Superior Council of Magistracy;
- **Poland:** an urgent Joint Opinion with the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on amendments to the Law on Common Courts, the Law on the Supreme Court and some other Laws.

› [ADOPTED TEXTS BY THE VENICE COMMISSION IN MARCH 2020](#)

In the pipeline

Despite the Covid-19 pandemics and the consequent lockdown, the Commission continues its work.

- [Forthcoming opinions and reports](#)
- [Forthcoming events](#)



States of emergency and human rights

On 3 April 2020, the Secretariat of the Venice Commission published a dedicated page on its website on "[Emergency powers: What standards?](#)", which underlines the important standards to be respected during the states of emergency. A [compilation](#) on this topic is also available now. This document facilitates access to the Commission's analysis of the compatibility of emergency powers with the fundamental principles of democracy, respect for human rights and the rule of law.

The June 2020 Plenary session will also be replaced by a special written procedure.

RECENT ACTIVITIES

Malta requests Commission's opinion

On 20 April 2020 the Maltese Government asked for the opinion of the Venice Commission on the concepts proposed by the Government for legislative changes and reforms in order to implement the recommendations of the Opinion of the Venice Commission of December 2018.

"Council of Europe, the conscience of Europe in a time of crisis"

On 21 April 2020 two Venice Commission members - Veronika Bilkova and Inete Ziemele - participated in a webinar on "Council of Europe, the conscience of Europe in a time of crisis" organised by the University of Leeds and the University of Liverpool. <https://www.youtube.com/watch?v=-mmCzPm2LXQ>

"Presidential government. Constitutional practice and political practices"

On 24 April 2020 the President of the Venice Commission, Gianni Buquicchio, participated in a video conference on "Presidential government. Constitutional practice and political practices" organised by the Foundation of the 1st President of Kazakhstan, the Constitutional Council and the Ministry of Justice of Kazakhstan.

'The impact of Covid-19 on human rights and the rule of law' - Webinar

On 27 April 2020, Mr Nicos Alivizatos, member of the Venice Commission in respect of Greece, took part in an exchange of views with Mr Boris Cilevics, Chairperson of the Parliamentary Assembly Committee on Legal Affairs and Human Rights, Mr Vladimir Vardanyan, Chairperson of the Sub-committee on Human Rights and Ms Dunja Mijatovic, Council of Europe Commissioner for Human Rights on 'the impact of Covid-19 on human rights and the rule of law'.