

Newsletter

Issue 1/2021



MARCH 2021 PLENARY

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Due to continued COVID-19 restrictions, the first plenary session of the Venice Commission in 2021 took place virtually.

The Commission adopted unprecedented number of opinions (14), endorsed a memorandum for the attention of the Committee of Ministers and a compilation of its reports and opinions and also adopted its 2020 Annual report of activities.

The Commission decided to hold the 127th plenary session on 2-3 July 2021 in Venice and online.

RECENT EVENTS

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Brief description of some recent events in the major fields of action of the Venice Commission:

- constitutional assistance;
- elections, referendums and political parties;
- constitutional justice;
- neighbourhood policies.

WORK IN PROGRESS

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- **Obituary** – former Austrian member Mr Franz Matscher and former warden of the Scuola Grande Di San Giovanni Evangelista Mr Silvano Longhin.
- **Appointment** of the new Director, Secretary of the Commission.
- **Statement** by the President
- Information on major opinions and more.



126th PLENARY SESSION OF THE VENICE COMMISSION OF THE COUNCIL OF EUROPE (19 – 20 March 2021)

MAIN DECISIONS

Strasbourg, Council of Europe - Due to continued COVID-19 restrictions, the first plenary session of the Venice Commission in 2021 took place virtually on 19 and 20 March. Unprecedented number of opinions (14) were adopted on the following issues:

- [Belarus](#) (criminal law provisions used to prosecute peaceful demonstrators and members of the “Coordination Council”),
- [Bosnia and Herzegovina](#) (draft amendments to the Law on the High Judicial & Prosecutorial Council),
- [Georgia](#) (draft reform re. the Election Code, Law on Political Associations of Citizens and Rules of Procedure of Parliament - jointly with ODIHR),
- [Georgia](#) (draft art. 79.¹ of the Electoral code on revocation of party registration - jointly with ODIHR);
- [Georgia](#) (amendments to the Law on electronic communications – jointly with DGI);
- [Kazakhstan](#) (legal framework of the Constitutional Council – jointly with ODIHR);
- [Kyrgyzstan](#) (draft constitution - jointly with ODIHR);
- [Moldova](#) (proposal to introduce People's Advocate for Entrepreneur's Rights),
- [Moldova](#) (powers of the Constitutional Court to review the law-making procedure in Parliament – amicus curiae brief);
- [Montenegro](#) (Prosecutorial reform);
- [Spain](#) (Citizens' Security Law No 4/2015);
- [Russia](#) (2020 constitutional amendments & procedure for their adoption);
- [Ukraine](#) (Constitutional Court reform);
- [Ukraine](#) (draft law on political parties – jointly with ODIHR).

In addition, the Commission endorsed the [Memorandum](#) on PACE Recommendation 2192(2020) “Rights and obligations of NGOs assisting refugees and migrants in Europe”, in view of the preparation of the CM reply to this Recommendation, its compilation on [Law-making procedures and the quality of the law](#) and its 2020 Annual report of activities.

The Commission observed one minute of silence in memory of late Mr Alain Lancelot, former substitute member of the Venice Commission in respect of France, Mr Franz Matscher, former member in respect of Austria and Mr Silvano Longhin, former warden of the Scuola Grande di San Giovanni Evangelista.

The participants held an exchange of views with Mr Olivér Vårhelyi, European Commissioner for Neighbourhood Policy and Enlargement Negotiation, as well as with representatives of the Committee of Ministers, of the Parliamentary Assembly and of the Congress of Local and Regional Authorities of the Council of Europe.

The Commission was informed of that the next Plenary Session will be held on 2-3 July 2021 in a hybrid form (in Venice with the possibility of participating online).

[All the decisions of the March 2021 plenary](#)

RECENT EVENTS

Constitutional assistance



"The Venice Commission and Spain: a shared heritage" – online seminar - 13/04/2021

The *Centro de Estudios Políticos y Constitucionales* and the Venice Commission organised a seminar to highlight the interaction between Spain and the Commission since the Commission’s origins, in Europe and in Latin America.

[Programme \(EN\)](#) [Programme \(ES\)](#)

Elections, referendums and political parties



3rd Scientific Electoral Experts Debates - Accessibility of the electoral process - 16/02/2021

Bucharest - The Permanent Electoral Authority of Romania, in cooperation with the Venice Commission of the Council of Europe, organised the 3rd Scientific Electoral Experts Debates on “Accessibility of the electoral process”.

[Learn more here](#)

Constitutional justice



World Conference on Constitutional Justice - 16th meeting of the Bureau - 20/03/2021

The Bureau of the World Conference on Constitutional Justice held its 16th meeting online. The Bureau discussed *inter alia* the preparation of the 5th Congress to be held in Indonesia on 4-7 October 2022 on the theme “Constitutional Justice and Peace”.

[Synopsis](#)

[Website of the WCCJ](#)

Neighbourhood policy



KYRGYZ REPUBLIC - Meeting of the Donors’ Partners Coordination Council - 06/04/2021

The Venice Commission experts participated in the Donors’ Partners Coordination Council Working Group for Rule of Law and Human Rights for Kyrgyz Republic. Representatives of the Kyrgyz NGOs and national legal experts also attended the event.

[Learn more here](#)

Work in progress

Since the last Plenary held in March 2021, the Commission has been working on 6 urgent opinions and some dozen other opinions and several reports and studies.

- [Opinions in the pipeline](#)
- [Forthcoming events](#)



Obituary – Mr Franz MATSCHER, founding Austrian member - 26/02/2021

It is with deep regret that the Venice Commission announces the death of its founding member from Austria, Prof. Franz Matscher. Born in South Tyrol / Alto Adige, Franz Matscher studied law in Graz and Paris and joined the Austrian Ministry of Foreign Affairs. He became Professor of civil procedural law at the University of Salzburg, where he founded the Austrian Institute for Human Rights. From 1977 to 1998 he was the Austrian Judge at the European Court of Human Rights. He was member of the Venice Commission from 1990 until his retirement. The Venice Commission will miss him.



Obituary - Silvano Longhin, warden of the Scuola Grande di San Giovanni Evangelista - 02/03/2021

The Venice Commission learned with deep sadness of the death of Mr Silvano Longhin, the warden of its seat in Venice, the Scuola Grande di San Giovanni Evangelista. For more than 20 years the members of the Commission have been able to appreciate his generous availability and effective collaboration. For this reason, he had received the medal of honour from the Venice Commission. Silvano was known by all the members of the Commission and many of them were bound by a sincere friendship. We will miss his smile and good humor.



NEW DIRECTOR/SECRETARY OF THE VENICE COMMISSION - 01/02/2021

Strasbourg, Council of Europe - Ms Simona Granata-Menghini is the new Director/Secretary of the Venice Commission, upon appointment by the Secretary General of the Council of Europe. She has previously exercised the function of Deputy Secretary of the Commission for ten years.

[CV of Ms Granata-Menghini](#)



Urgent opinions issued and new requests

The Commission issued five Urgent Opinions in April:

- **Armenia** - on draft amendments to the Electoral Code and other legislation (jointly with OSCE/ODIHR);
- **Georgia** - on electoral reform (jointly with OSCE/ODIHR) and on appointment of judges to the Supreme Court;
- **Ukraine** – on liability for inaccurate asset declaration by public officials and on draft amendments to the procedure of electing (appointment) of High Council of Justice and the activities of disciplinary inspectors of the HCJ.

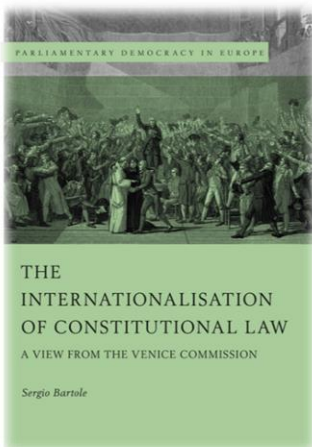
In addition, the Commission received the following requests for opinions recently:

- **Armenia** (independence of the Ombudsman institution staff),
- **Bulgaria** (special mechanism for investigation of the Prosecutor General or his/her deputy),
- **Malta** (fair trial requirements related to substantial administrative penalties),
- **Romania** (dismantling the Section for the Investigation of Offences committed within the judiciary).

CONSTITUTIONAL CRISIS IN THE REPUBLIC OF MOLDOVA – call for restraint and dialogue – statement by President Buquicchio - 23/04/2021

Council of Europe, Strasbourg - "I am extremely alarmed by the present situation in the Republic of Moldova. I call on all state institutions to exercise restraint, to enter into a dialogue and to de-escalate this worrying situation in order to ensure the operation of the Constitution of the Republic of Moldova, which is what the Moldovan people deserves especially when confronted with the current health and economic crisis.

[Read full text of the statement](#)



[“The Internationalisation of Constitutional Law: a View from the Venice Commission” by Sergio Bartole](#)

In this book one of the longest-standing members of the Venice Commission reflects on the work of the institution to show how constitutional law in Europe (and beyond) has become increasingly borderless.

Over nine chapters, the book tracks the work of the Commission, illustrating the law both in action and in its broader political and historical context. It looks at its treatment of the judiciary and judicial conflicts, including the present crisis of the rule of law in Central Eastern Europe Member States of the European Union. Finally, it suggests how all this can only be sensibly understood as a feature of the broader trend towards the internationalisation of constitutional law.