

Newsletter

Issue 2/2021



JULY 2021 PLENARY

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The 127th plenary session of the Commission took place on 2-3 July 2021 in a hybrid form: partly in Venice and online.

The Commission adopted five and endorsed eight urgent opinions issued between the March and July plenary sessions, was informed on the follow-up to five previously adopted opinions.

The Commission decided to hold the 128th plenary session on 15-16 October 2021 in hybrid form.

RECENT EVENTS

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A selection of 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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Already by September 2021 the number of requests for opinion almost doubled in comparison with the total number of the adopted opinions in 2020.

Information on major opinions to come, statements, publications and more.



127th PLENARY SESSION OF THE VENICE COMMISSION OF THE COUNCIL OF EUROPE

(2-3 July 2021)

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MAIN DECISIONS

Venice, Scuola Grande Di San Giovanni Evangelista - the 127th plenary session of the Venice Commission took place on 2-3 July 2021 in Venice and online. The Commission, *inter alia*:

✚ adopted the opinions on:

- [the draft law on preventing conflict of interests in the institutions of **Bosnia and Herzegovina**](#);
- [the constitutional amendments adopted by the **Hungarian** parliament in December 2020](#),
- [the compatibility with international human rights standards of a series of bills introduced to the **Russian** State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”](#);
- [the compatibility with international human rights standards of Law no. 7262 of **Turkey** on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction](#),
- [the draft law for dismantling the section for the investigation of offences committed within the judiciary of **Romania**](#).

✚ endorsed the following urgent opinions on :

- [the draft law amending provisions of the Code of Administrative Offenses and the Criminal Code of **Ukraine** regarding the liability of public officials for inaccurate asset declaration \(draft law no. 4651\)](#), issued jointly with the DGI on 6 May 2021;
- [the draft law on amendments to certain legislative acts of **Ukraine** concerning the procedure for electing \(appointing\) members of the High Council of Justice \(HCJ\) and the activities of disciplinary inspectors of the HCJ \(draft law no. 5068\)](#), issued on 5 May 2021 jointly with the DGI;
- [draft amendments to the Electoral Code and related legislation of **Armenia**](#), issued jointly with the OSCE/ODIHR on 21 April 2021;
- [the draft amendments to the Election Code of **Georgia**](#), issued jointly with the OSCE/ODIHR on 30 April 2021;
- [the revised draft amendments to the Election Code of Georgia, issued jointly with the OSCE/ODIHR on 18 June 2021](#);
- [the Organic Law on Common Courts of **Georgia**](#), issued on 28 April 2021;
- [the reform of fair trial requirements in relation to substantial administrative fines in **Malta**](#), issued on 1 June 2021;
- [the revised draft amendments to the Law on the State Prosecution Service in **Montenegro**](#), issued on 10 May 2021.

- ✚ elected the seven members of the **Committee of Wise Persons** and invited all members interested in being candidates in the elections to the Commission’s offices to be held in December 2021 to contact the Wise Persons.

[All opinions and reports adopted at the 127th plenary session](#)

Constitutional assistance



SERBIA – Constitutional reform, online meeting with the Working Group of the National Assembly - 20/07/2021

In the context of the preparation of the assessment of the constitutional reform in Serbia and following two opinion requests by the PACE and the Speaker of the National Assembly of Serbia, a delegation of the Venice Commission met (online) with the Working Group of the National Assembly of Serbia to discuss proposed amendments to the constitution. The adoption of the opinion is foreseen for the October 2021 plenary session.

Constitutional justice



19th meeting of the Joint Council on Constitutional Justice (JCCJ) - 23 - 23/09/2021

Sofia/Strasbourg (online) – The 19th meeting of the Joint Council on Constitutional Justice of the Venice Commission (JCCJ) took place online on 23 September 2021 due to the COVID-19 pandemic.

[Annotated agenda](#)

Elections, referendums and political parties



RUSSIAN FEDERATION - General elections - Legal assistance to the PACE mission - 17 - 19/09/2021

Moscow – Representatives of the Venice Commission accompanied the Parliamentary Assembly of the Council of Europe (PACE) election assessment mission to advise on the legal framework of the general elections of 17 - 19 September 2021 in the Russian Federation.

Neighbourhood policy



Modernisation of the civil service in the southern Mediterranean - UniDem Campus Med - 6th coordination meeting - 27/05/2021

This annual meeting gathers national coordinators representing Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine* and Tunisia. Participants took stock of the UniDem Med 2020 seminars and discussed their respective priorities as regards modernisation of public administration.

[Learn more](#)

Work in progress

Already by September 2021 the number of the requests for opinion, received by the Commission, almost doubled in comparison with the total number of the adopted opinions in 2020.

- [Opinions under preparation](#)
- [Forthcoming events](#)



128th Plenary session - 15-16/10/2021

The Venice Commission will hold its 3d plenary session of the year in a hybrid format. The Commission is expected to adopt an amicus curiae Brief for the Constitutional Court of Albania regarding the validity of the local elections of 30 June 2019, an opinion on draft constitutional amendments in Serbia, an opinion on the legal protection of citizens in the Netherlands and an opinion on possible exclusion of the parliamentary Ombudsman and Health Service Commissioner from the “safe space” provided for by the Health and Care Bill of the United Kingdom. Other opinions on Armenia, Hungary (3), North Macedonia, the Slovak Republic and Ukraine are equally on the agenda.

[Annotated agenda of the October 2021 plenary session](#)



Committee of Ministers of the Council of Europe - Presentation of the 2020 Annual Report of Activities of the Commission - 08/09/2021

Council of Europe, Strasbourg - The Vice President of the Venice Commission, Ms Claire Bazy Malaurie, presented the [2020 Annual Report of Activities](#) of the Commission to the Committee of Ministers of the Council of Europe. The presentation was followed by an exchange of views with the Ambassadors of the member and observer States of the Council of Europe.

↳ [Speech of Vice-President Bazy Malaurie \(in French only\)](#)



E-Bulletin on Constitutional Case-Law: issue 3/2020 – 25/05/2021

In May 2021, the Venice Commission published issue 3/2020 of the e-Bulletin on Constitutional Case-Law, including cases relating to Covid-19 (collection of Covid-19 related cases at www.venice.coe.int/files/bulletin/COVID-19-E.htm). The e-Bulletin reports three times a year on the case-law of constitutional courts and courts with equivalent jurisdiction, including case-law of the European Court of Human Rights, the Court of Justice of the European Union and the Inter-American Court of Human Rights.

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Urgent opinions issued and new requests

On 24/09/2021 the Commission issued its urgent opinion on [the draft law on the referendum and the people's initiative of Serbia](#). In addition, the Commission received **the following requests for opinions recently**:

- **Lebanon** – the draft law amending Legislative-Decree no. 150/1983 on the Organisation of the Judiciary – by the Minister of Justice - 6/09/2021;
- **Ukraine** - the draft law “On the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in social life (oligarchs)” - by the Speaker of the Verkhovna Rada -10/09/2021;
- **Hungary** - the compatibility with international human rights standards of Act LXXIX of 2021 enacted by the Hungarian Parliament on 15 June 2021, in particular where it amends Act XXXI of 1997, Act XLVIII of 2008, Act CLXXXV of 2010, Act CCXI of 2011 and Act CXC of 2011, and notably as concerns its impact on the freedom to receive and impart information on subjects dealing with sexual orientation and gender identity and on other rights and freedoms of LGBTI people – by the PACE - 15/09/2021;
- **Cyprus** - the procedure of the appointments of the members of the judiciary - by the Minister of Justice and Public Order - 22/09/2021;
- **Republic of Moldova** - the compatibility of the recent legislative amendments to the Law on the Prosecution Service with international standards (Prosecutor General and President of the Superior Council of Prosecutors, 23/09/2021);
- **Kazakhstan** - draft Law "On the Commissioner for Human Rights in the Republic of Kazakhstan" and three accompanying bills - by the Deputy Speaker of the Senate - 23/09/2021.

TUNISIA - statement by the President of the Commission on the state of emergency in Tunisia - 26/08/2021

Council of Europe, Strasbourg - "Since the declaration of the state of emergency on 25 July 2021, the President of Tunisia has concentrated in his hands the legislative, executive and, partially, judicial powers. Tunisia does not have a constitutional court.

Tunisia is facing a very deep crisis, caused on the one hand by the difficulties of managing the pandemic and on the other hand by the difficulties of functioning of the state institutions and by the very high level of corruption.



A large part of the Tunisian people has expressed its refusal to accept that this situation be prolonged and has asked that a solution be found quickly.

I strongly support these legitimate and fundamental aspirations of the Tunisian people. Since the Revolution in 2011, the Venice Commission accompanied Tunisia in the search for a new beginning, starting from the preparation of a democratic constitution. ...”

[Read full text of the statement](#)