

VENICE COMMISSION NEWSLETTER

NO. 02/2022

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. MEMBERSHIP, NOMINATIONS



Turkey (reappointed)

Mr Yavuz ATAR,

Professor of Constitutional Law, Ibn Haldun University

Ms Melek SARAL,

Marie Curie Research Fellow, School of Law, SOAS University of London (Substitute member)



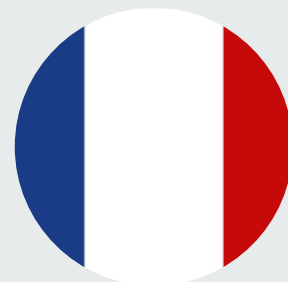
Lithuania :

Dainius ŽALIMAS,

Dean of the Faculty of Law, Vytautas Magnus University

Inga MILAŠIŪTĖ,

Member of the Central Electoral Commission (Substitute member)



France

François SÉNERS,

member of the Constitutional Council (Substitute member)



Spain

Rafael BUSTOS GISBERT, Director of the Institute of Parliamentary Law. Complutense University of Madrid

Paloma BIGLINO CAMPOS, Professor of Constitutional Law, Valladolid University, (Substitute member, reappointed)

Oscar SÁNCHEZ MUÑOZ, Professor, University of Valladolid (Substitute member)



Poland

Justyn PISKORSKI, Judge, Constitutional Tribunal

Joanna LEMAŃSKA, Judge, Supreme Court (Substitute member)



Norway

Eirik HOLMØYVIK, Professor of Law, University of Bergen
Adele MATHESON MESTAD, Director of the Norwegian Institute for Human Rights (Substitute member)



II. DECISIONS OF THE MARCH 2022 PLENARY

Due to the Covid-19 pandemic, the 130th Plenary Session was held in a hybrid form, in Venice and online, on 17-19 March 2022.

The Venice Commission:

- Was informed of the following decisions of the Committee of Ministers of the Council of Europe:
 - on [the cessation of the membership of the Russian Federation to the Council of Europe](#), under Article 8 of the Statute, as of 16 March 2022;
 - on [the suspension of Belarus from participating in the work of the Venice Commission](#), as of 17 March 2022;
- Heard a message from Mr Serhiy Holovaty, member of the Venice Commission in respect of Ukraine, who was prevented from taking part in the Plenary Session on account of the war in Ukraine;
- Made a [public statement in support of Ukraine](#);
- Adopted the following opinions on :
 - the [draft laws on making amendments to the Constitutional Law on the Judicial Code and to the Constitutional Law on the Constitutional Court of Armenia](#) (jointly with the DG of Human Rights and Rule of Law (DGI) of the Council of Europe);
 - [the drafting and adoption of a new Constitution in Chile](#);
 - [the introduction of the procedure of renewal of security vetting through amendments to the Courts Act of Croatia](#);
 - [the revised draft amendments to the Law on the Prosecutorial Council of Kosovo](#);
 - [the draft law on the dismantling of the section for investigating criminal offences within the judiciary of Romania](#);
- Endorsed:
 - the [Urgent Interim Opinion on Constitutional Reform in Belarus](#), which had been issued on 21 February 2022 issued pursuant to Article 14a of the Venice Commission's Rules of Procedure;
 - [the compilation on legal certainty](#).
- Adopted the following reports:
 - [Report on the Domestic Procedures of Ratification and Denunciation of International Treaties](#);
 - the Annual Report of Activities 2021;
- Appointed Mr [Kaarlo Tuori](#) as Honorary President of the Venice Commission, in recognition of his exceptional and long service to the Commission;
- Confirmed the dates of the next Plenary Sessions in presence as follows:
 - 17-18 June 2022; 21-22 October 2022, 16-17 December 2022.
- was informed of the international [round table on “Shaping Judicial Councils to meet contemporary challenges”](#), co-organised by the Venice Commission, the University La Sapienza of Rome and the University of Barcelona, to take place in Rome on 21-22 March 2022.

III. RECENT EVENTS



VOLUNTARY CONTRIBUTIONS

The Venice Commission is grateful for the following voluntary contributions:

- Bulgaria – 10.000€
- France – 50.000€
- Luxembourg – 20.000€

EVALUATION REPORT

On 29 April 2022, the Evaluation report of the Venice Commission was published (<https://rm.coe.int/dio-2022-35-venicecommission-final-report-en/1680a6555f>), together with a set of recommendations to both the Venice Commission itself and to other bodies of the Council of Europe, designed to enhance the Commission's impact.

SHAPING JUDICIAL COUNCILS TO MEET CONTEMPORARY CHALLENGES - INTERNATIONAL ROUND TABLE - ROME, 21-22 MARCH 2022



The Venice Commission in co-operation with the University La Sapienza, Rome, and the University of Barcelona, held an international round table entitled "SHAPING JUDICIAL COUNCILS TO MEET CONTEMPORARY CHALLENGES" in hybrid format: online and in Rome, at the Rectoral Palace of the the University La Sapienza.

This round table examined national examples of composition of judicial councils, and, building upon recent experiences, formulate further recommendations as to how its members - judicial, lay and any ex officio, should be selected and appointed. It also dealt with the mandate of those councils. The event was organised in the framework of the Italian Chairmanship of the Committee of Ministers of the Council of Europe.

- [Webpage of the Round Table](#)

IV.1. OPINIONS ADOPTED AT THE 131ST PLENARY SESSION (VENICE, 16-18 JUNE 2022) , 1/2



LEBANON

Draft law amending Legislative Decree n° 150/1983 on the Organisation of the Judiciary (1057/2021)

- **Requested by:** Minister of Justice on 06.09.2021

KOSOVO

The Concept Paper on the Vetting of Judges and Prosecutors - 1064/2021

- **Requested by:** the Minister of Justice on 25.10.2021

TUNISIA

The draft Code on national property, law on confiscation of assets, establishment of an Agency in charge of the confiscation and management of confiscated assets - 1076/2022

- **Requested by:** the Minister for State Domains and Land Affairs on 22.12.2022

GEORGIA

December 2021 amendments to the Organic Law on Common Courts (1077/2022)

- **Requested by** Parliamentary Assembly, Monitoring Committee Chair on 02.02.2022

AZERBAIJAN

The Media Law (1078/2021)

- **Requested by** the Chair of the Parliamentary Assembly's Monitoring Committee on 02.02.2022

MONGOLIA

The draft law on political parties - jointly with ODIHR (1081/2022)

- **Requested by** ODIHR (upon request by the authorities) on 14.02.2022

REPUBLIC OF MOLDOVA

The draft law on amending some normative acts (Judiciary) – jointly with DGI (1082/2022)

- **Requested by:** the Minister of Justice on 10.03.2022

The draft amendments to the Law no 3/2016 on the Prosecutor's office (1086/2022)

- Requested by Secretary of State, Ministry of justice on 06.05.2022

KOSOVO

The draft law N°08/L-121 on the State Bureau for Verification and Confiscation of Unjustified Assets (1083/2022)

- **Requested by:** President of the Assembly of Kosovo on 04.03.2022

TURKEY

The amendments to the electoral law – jointly with ODIHR (1084/2022)

- **Requested by** PACE Monitoring Committee on 01.04.2022



TUNISIA – urgent opinion endorsed

Decree-Law No. 22 amending and supplementing Organic Law No. 23 on the Independent Higher Authority for Elections, ISIE, promulgated by the President on April 22, 2022 (1085/2022)

- **Requested by** the European External Action Service, via EU Delegation to Tunisia on 27.04.2022
- **Issued** - 27.05.2022

UKRAINE - Amicus curiae brief

Limits of subsequent (a posteriori) review of constitutional amendments by the Constitutional Court

- **Requested by** the Acting President of the Constitutional Court on 18.11.2021

CODE OF GOOD PRACTICE ON REFERENDUMS - Revised Explanatory Memorandum

IV. ACTIVITIES (CO-)ORGANISED BY THE VENICE COMMISSION



16-23.03.2022 - Tunis/TUN

Training of trainers for ISIE members and staff

21-22.03.2022 - Rome/ITA

Round table "Shaping Judicial Councils to meet Contemporary Challenges"

24-28.03.2022 - Tunis/TUN

Training of trainers for members of the CEJJ and the Ministry of Justice

29.03.2022 - Santiago/CHI

Seminar on the 2022 CDL opinion on draft constitution

22.04.2022 - Almaty /KAZ

Conference on "Constitutional and international aspects of the upholding of the rule of law"

10.05.2022 - Dushanbe/TJK

Conference on "Constitutional justice and the rule of law"

12-13.05.2022 - Tashkent/UZB

Conference "Modernisation of the public administration and respect of the rule of law principles"

17-19.05.2022 - Palestine*/online

15th UniDem Med seminar "Public service policies : paradigms for change"

07.06.2022 - Strasbourg/online

Meeting of the Bureau of the World Conference on Constitutional Justice (WCCJ)

** - This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.*

IV.2. STATEMENTS BY THE PRESIDENT AND THE COMMISSION



AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE – Statement by President Mme Claire Bazy Malaurie made on 1 March 2022



“Following consultation with the Bureau of the Venice Commission, I express the deep shock and dismay generated by the aggression against Ukraine.

Using violence instead of dialogue goes against everything that the Venice Commission stands for; it goes against the core values of the Council of Europe: democracy, the rule of law and, of course, the protection of human rights.

Through its work, the Venice Commission supported Ukraine in the promotion of European principles and values and it will continue to do so.”

UKRAINE - statement by the Venice Commission - 19 March 2022

During its 130th plenary session, the Venice Commission made the following statement:

“The Venice Commission fully supports the public statement on “the aggression of the Russian Federation against Ukraine” made by its President on 1 March 2022. The Commission expresses its firm condemnation of this act of aggression by the Russian Federation and deplores the loss of lives and the destruction in Ukraine.

The Commission, the full name of which is “European Commission for Democracy through Law”, is fully committed, as the preamble of the Council of Europe statute proclaims, to the pursuit of peace based upon justice and international co-operation, which is vital for the preservation of human society and civilization.

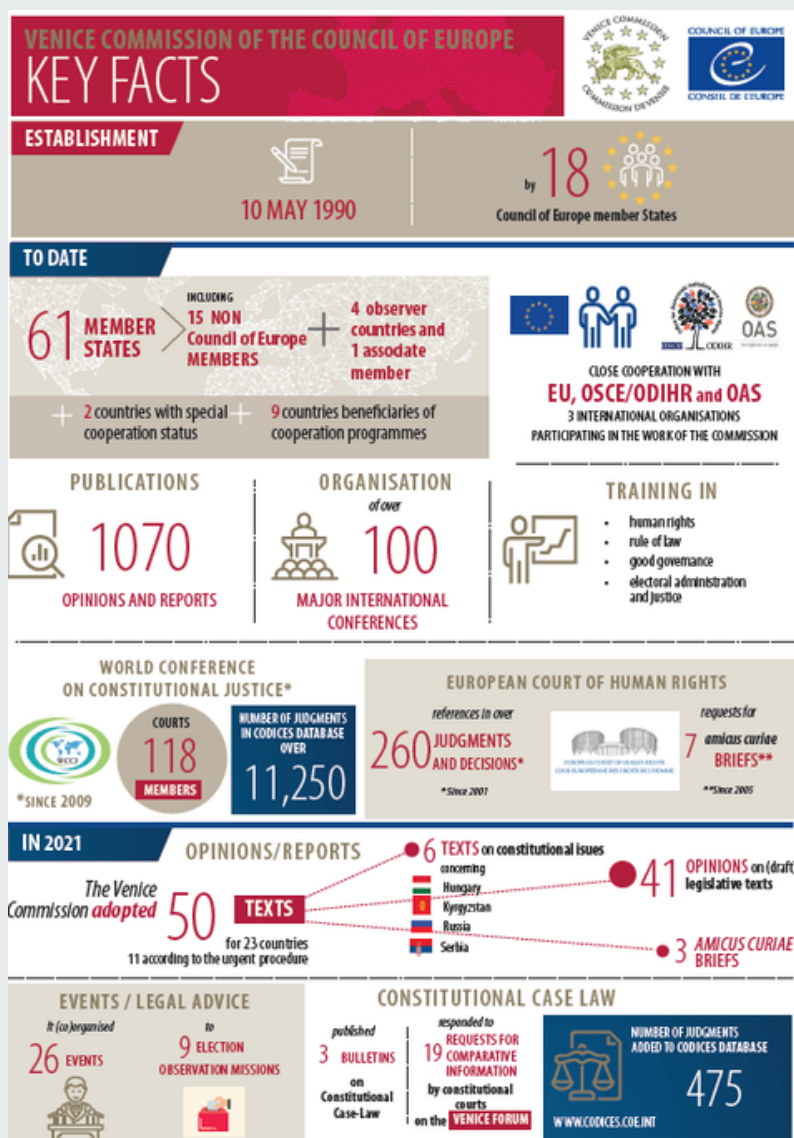
It expresses its full solidarity with Ukraine, which is fighting for the protection of our shared European principles and values of democracy, human rights and the rule of law.”

COMPILATIONS

- [REFERENDUMS](#)
- [UPDATE - OMBUDSMAN INSTITUTION](#)
- [UPDATE - PROSECUTION SERVICE](#)

PUBLICATIONS

- [E-BULLETIN ON CONSTITUTIONAL CASE-LAW - ISSUE 2021/2](#)
- [KEY FACTS 2021](#)





The European Commission
for Democracy through Law

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The Venice Commission of
the Council of Europe



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