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## Decisions October 2015 Plenary Session

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- 1 [Venice Commission website](#)
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- Paid tribute to the late Mr Hubert Haenel, member of the Venice Commission in respect of France;

#### *Adopted opinions on:*

- [Draft amendments to the Law on the Human Rights Defender of Armenia;](#)
- [Draft Law on the Ombudsman for Human Rights in Bosnia and Herzegovina;](#)
- [Draft amendments to the Constitution of Bulgaria in the sphere of the Judiciary, previously examined by the Sub-Commission on the Judiciary on 22 October 2015;](#)
- [Rules of procedure of the Constitutional Chamber of the Kyrgyz Republic;](#)
- [Draft law on amendments to the Law on Minority Rights and Freedoms of Montenegro;](#)
- [Interim opinion on the institutional aspects of the draft law on special procedures concerning reconciliation in the economic and financial fields of Tunisia;](#)
- [Draft organic law on the Constitutional Court of Tunisia;](#)
- [Revised draft constitutional amendments regarding the judiciary of Ukraine;](#)
- [Temporal validity of draft transitional provision 18 of the Constitution of Ukraine;](#)
- [Interim opinion on the draft Law on Integrity Checking of Ukraine;](#)
- [Draft amendments to some legislative acts concerning prevention of and fight against political corruption in Ukraine;](#)

## October 2015 Plenary Session

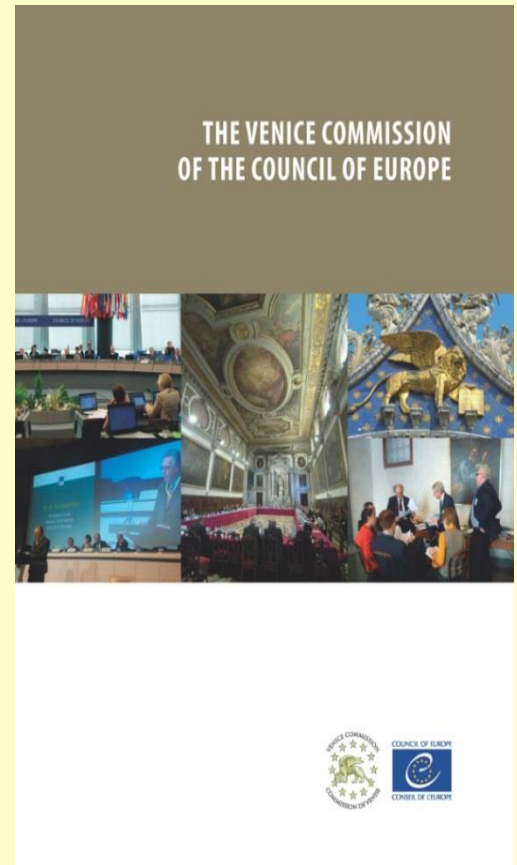
*Adopted a report on:*

- [Exclusion of offenders from parliament](#)

*Held an exchange of views:*

- Mr Galust Sahakyan, Speaker of the National Assembly of Armenia
- Ms Semiha Borovać, Minister for Human Rights and Refugees of Bosnia and Herzegovina
- Mr Hristo Ivanov, Minister of Justice of Bulgaria
- Mr Suad Numanović, Minister for Human and Minority Rights of Montenegro
- Mr Pavlo Petrenko, Minister of Justice of Ukraine

*[\(Read the full synopsis of the plenary\)](#)*



## Publications

*Forthcoming:*

- Bulletin of the Constitutional Case – Law: Issue 2015/2
- The Role of Constitutional Courts in upholding and applying Constitutional Principles
- “Mass surveillance – Who is watching the watchers?”

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[Link to the calendar of recent and current events](#)

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## October 2015 Plenary Session

### *Selected Opinions*

#### Ukraine

##### *Opinion on Draft Amendments of the Constitution on Judiciary*



*104th Plenary Session of the Venice Commission of the Council of Europe*

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[Link to the calendar of recent and current events](#)

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“Following a request on 21 July 2015 by the Speaker of the Verkhovna Rada of Ukraine and Chair of the Constitutional Commission, Mr Volodymyr Groyzman, a Preliminary Opinion on the proposed constitutional amendments relating to the judiciary of Ukraine (CDL-PI(2015)016) was issued on 24 July 2015. It concerned the draft amendments relating to the judiciary prepared by the relevant working group of the Constitutional Commission (CDL-REF(2015)024).

By letter of 10 September, Mr Groyzman requested the opinion of the Venice Commission on the revised version of these draft amendments, approved by the Constitutional Commission (CDL-REF(2015)040).

The present opinion was prepared on the basis of the comments of the rapporteurs; it was examined by the Sub-commission on the Judiciary on 22 October 2015 and was subsequently adopted by the Venice Commission at its 104th Plenary Session (Venice, 23–24 October 2015).

This opinion follows up to the Preliminary Opinion of 24 July 2015. After receipt of such Preliminary Opinion, the working group on the judiciary of the Constitutional Commission of Ukraine made several changes to the draft constitutional amendments. The present opinion analyses these amendments in the light of the recommendations set out in the Preliminary Opinion, and also contains further recommendations.”

[Read the opinion...](#)

## October 2015 Plenary Session

### *Selected Opinions*

#### Armenia

##### *Opinion on the Draft Amendments of the Constitution*

“The Specialised Commission on Constitutional Reforms adjunct to the President of the Republic (hereinafter “the Constitutional Commission”) adopted the draft amendments to the Constitution on 20 August 2015. This text (which comprised a revised version of all the draft amendments as well as Chapter 16 on Final and Transitional Provisions) was received by the Venice Commission on 22 August 2015 (CDL-REF(2015)034). On 21 August 2015, the President submitted the draft amendments to the National Assembly.

The Constitutional Commission submitted to the Venice Commission certain additional proposed amendments on 29 August and 1 September 2015 (CDL-REF(2015)036).

The present Second opinion covers Chapter 8 (The Prosecution Office and the Investigative Organs), Chapter 9 (Local Self-government bodies), Chapter 11 (The Central Electoral Commission), Chapter 12 (The Television and Radio Commission), Chapter 13 (The Control Chamber), Chapter 14 (The Central Bank), Chapter 15 (Adopting and Amending the Constitution; the Referendum) and Chapter 16 (Final and Transitional Provisions).

Chapter 1 (Foundations of Constitutional Order), Chapter 2 (Fundamental Rights and Freedoms of the Human Being and the Citizen), Chapter 3 (Legislative Guarantees and Main Objectives of State Policy in the Social, Economic, and Cultural Spheres), Chapter 4 (The National Assembly), Chapter 5 (The President of the Republic), Chapter 6 (The Government), Chapter 7 (Courts and the Supreme Judicial Council) and Chapter 10 (The Human Rights Defender) were the object of a previous Preliminary opinion (CDL-PI(2015)15rev): they will be addressed in this Second opinion only to the extent that the Constitutional Commission has made further amendments to them in the light of the recommendations contained in the Preliminary Opinion or that further recommendations have subsequently been formulated by the rapporteurs. Therefore, the specific recommendations formulated in the First opinion remain valid, unless they are modified or superseded by the Second opinion.”

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*“This is a package of amendments that has passed through the Venice Commission — the gold standard of European review. It has met — it’s gotten the Venice Commission’s seal of approval. And it will bring to your constitution European standards of decentralized power.”*

*US Department of State,  
Ukraine,  
15 July 2015*

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[Read the opinion...](#)

## Selected Events

### *Obituary – Mr. Hubert Haenel, member of the Venice Commission in respect of France*

The Venice Commission has the sad duty to announce the death of Mr. Hubert Haenel, member in respect of France. Mr Hubert Haenel was active in the Venice Commission, which benefitted from his experience and skills both as a Senator and as a member of the French Constitutional Council.

He actively contributed to the work of the Commission, particularly in the preparation of opinions relating to Armenia, Moldova, "the former Yugoslav Republic of Macedonia", Russia and Ukraine. In terms of studies and opinions, he covered the following themes: democratic control of armed forces; alternative service; intelligence services; the right to freedom of assembly and the role of extra-institutional actors in the democratic system (lobbying).



### *Kosovo – Constitutional Justice*

President Buqicchio and a delegation from the Venice Commission were received at a meeting by the President of the Constitutional Court of the Republic of Kosovo, Arta Rama-Hajrizi.

During its stay in Kosovo, the delegation of the Venice Commission, headed by the President Buqicchio, met with the highest state leaders of the country and for the first time participated in the ceremony of the Judicial Year of the Constitutional Court.



[Read the speech of President Buqicchio at the Judicial Year of the Constitutional Court...](#)

### *Tunisia*



Venice Commission prepared an opinion on the draft organic law on special procedures concerning reconciliation in the economic and financial fields (hereafter "the Reconciliation Bill"), which the President of Tunisia had laid before the Tunisian parliament.

Venice Commission has adopted the Interim Opinion on the Institutional Aspects of the Draft Law at its 104th Plenary Session (Venice, 23–24 October 2015).

The opinion has received a lot of press coverage.

[Read the opinion...](#)



## Selected Events

### Democratic Institutions and Fundamental Rights Democratic control of the security services agencies

13/10/2015 – 14/10/2015

Strasbourg – Iain Cameron, a member of the Venice Commission, participated in a conference of the Council of Europe devoted to the right to freedom of expression; on this occasion, Mr Cameron introduced the Report of the Commission on the democratic control of the security services agencies collecting intelligence by electromagnetic means, as updated in March 2015.



### Constitutional Justice

#### Assistance to the Constitutional Chamber of the Kyrgyz Republic

12/10/2015 – 13/10/2015

St. Petersburg – A study visit for judges of the Constitutional Chamber of the Kyrgyz Republic to the Constitutional Court of the Russian Federation took place on 12 and 13 October 2015. The participants started the visit by attending a public hearing on 12 October. They got an insight into the work of the Russian colleagues as well as exchanged opinions on a number of issues identified by the Kyrgyz delegation.

This visit was organised jointly with the UNDP office in Bishkek within the projects aimed at supporting the Constitutional Chamber of the Kyrgyz Republic with funding provided by the European Union.

## Elections and political Parties

### Georgia – Regional Conference on Gender Equality in electoral processes

25/11/2015 – 26/11/2015



Tbilisi – The Venice Commission organised in cooperation with the Central Election Commission of Georgia a regional conference on Gender Equality in electoral processes. Among keynote speakers was Ms Herdís Thorgeirsdóttir, Vice-President of the Venice Commission; she made a presentation on the international standards in the field of elections.

This activity was organised as a part of the Programmatic Cooperation Framework and involves the central election commissions of Armenia, Azerbaijan, Georgia, Moldova and Ukraine.

## Neighbourhood Cooperation

### Conference of Central Asian constitutional control bodies

28/10/2015 – 29/10/2015

Strasbourg – A Conference of Central Asian constitutional control bodies took place on 28 and 29 October 2015 in Strasbourg on the premises of the Council of Europe. It brought together around 20 participants from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The President and judges of the Constitutional control bodies met to discuss issues of common interest, such as how the separation of powers affects constitutional control bodies and constitutional interpretation techniques. The Conference participants were able to exchange information and experience on the protection of human rights, access to justice and the rule of law as well as to present their good practices in implementing internationally-agreed standards.

Strengthening constitutional control bodies is crucial for the implementation of the reform of the judiciary. It contributes to strengthening the overall independence of the judiciary from the executive and it contributes to improving its effectiveness and transparency.

The Conference was organised with the funding provided by the Ministry of Foreign Affairs of Turkey and by the European Union within the framework of the project “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz constitutional justice system”, implemented by the Venice Commission.



## Forthcoming activities

### Opinions

**Albania** – draft constitutional amendments on the judiciary

**Montenegro** – draft law on freedom of religion

**The former Yugoslav Republic of Macedonia** – legislation on the disciplining and dismissal of judges and their professional evaluation; law on the protection of the privacy and the law on the protection of whistleblowers

**Russia** – Law on undesirable organizations

**Spain** – “Citizens’ security law”, the Law on the changes to the powers of the Constitutional Court

**Turkey** – Law N°5651 on the Internet and Articles 216, 301 and 314 of the Penal Code

**Ukraine** – Law on the condemnation of the communist and Nazi totalitarian regimes

### Studies

#### Electoral Issues

- Guidelines on the use of administrative resources during elections
- Registration of voters residing *de facto* abroad

#### Constitutional Justice

- Report on the Composition of Constitutional Courts – update
- Study on Individual Access to Constitutional Justice – update

#### Democratic Institutions and Fundamental Rights

- Freedom of Peaceful Assembly – joint CDL–OSCE/ODIHR guidelines
- Rule of law – check list
- Study on the role of the opposition in a democratic Parliament – update
- Ombudsman institution

#### Compilations

- Constitutional amendment
- Thresholds in the electoral field