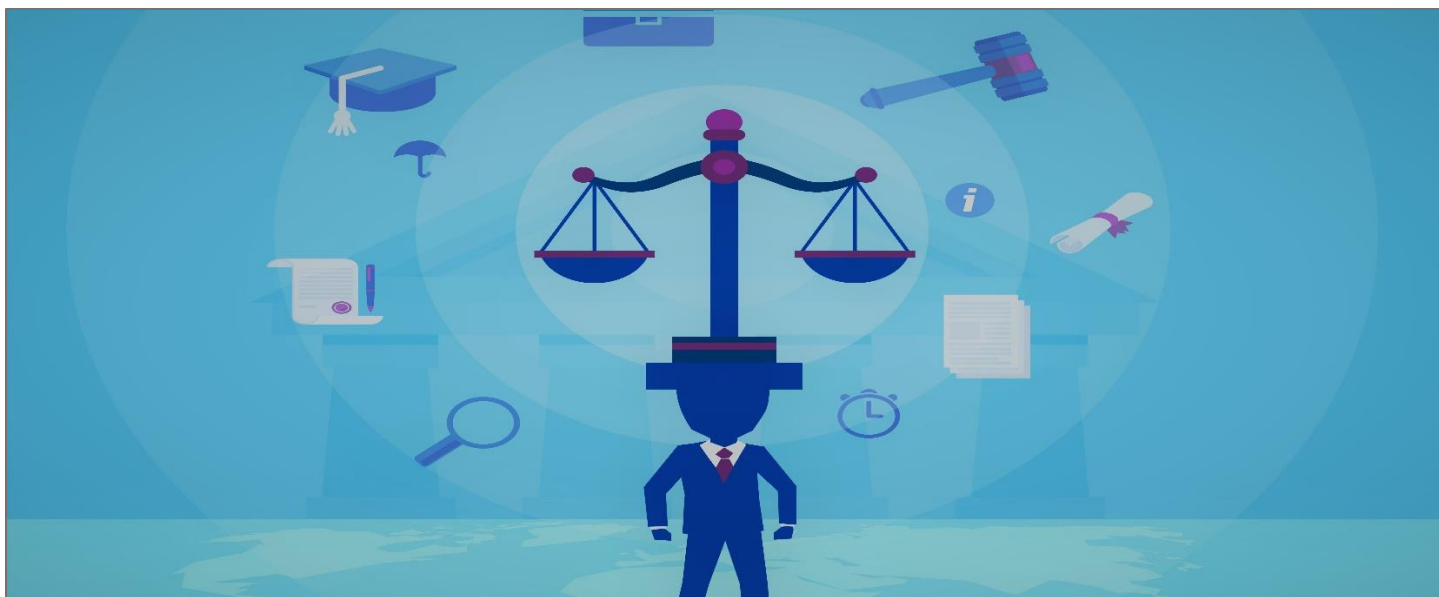


Newsletter

Issue 3/2021



OCTOBER 2021 PLENARY

Page 2

The 128th plenary took place on 15-16 October 2021 in a hybrid form: partly in Venice and online.

The Commission adopted eleven opinions, endorsed one urgent opinion on Serbia and was informed by the Group of Wise Persons on the preparation of the elections to the Commission's offices to take place in December 2021.

The Commission decided to hold the 129th plenary session on 10-11 December 2021 in hybrid form.

RECENT EVENTS

Page 3

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

Pages 4 - 5

Since the Plenary session held in July 2021, the Commission has been working on four urgent opinions and some twenty other opinions and *amicus curiae* briefs.

- Information on new requests, opinions' country visits and more.
- Statement by the President on Ukraine



128th PLENARY SESSION OF THE VENICE COMMISSION OF THE COUNCIL OF EUROPE (15 – 16 October 2021) - MAIN DECISIONS

Venice, Scuola Grande di San Giovanni Evangelista - Due to the Covid-19 pandemic, the 128th Plenary Session was held in a hybrid form, in Venice and online, on 15-16 October 2021. The Venice Commission:

- adopted the following eleven opinions on :

- **Albania** - the competence of the Constitutional Court of regarding the validity of the local elections held in Albania on 30 June 2019 (*amicus curiae* Brief);
- **Armenia** - the legislation related to the Ombudsman's staff;
- **Hungary:**
 - the Act on the Organisation and Administration of Courts and the Act on the Legal Status and Remuneration of Judges, as adopted by the Parliament in December 2020;
 - the 2020 amendments to electoral legislation of Hungary (the jointly with OSCE/ODIHR); and
 - the amendments to the Act on Equal Treatment and Promotion of Equal Opportunities and the Act on the Commissioner for Fundamental Rights of Hungary, as adopted in December 2020;
- **the Netherlands** - the legal protection of citizens;
- **North Macedonia** - the draft Law on the State of Emergency;
- **Serbia** - the draft constitutional amendments on the judiciary and on the draft constitutional law for the implementation of the constitutional amendments;
- **Slovakia** - two questions regarding the organisation of the legal profession in the Slovak Republic and the role of the Supreme Administrative courts in the disciplinary proceedings against lawyers;
- **Ukraine** - the draft law "On the principles of state policy of the transition period" of Ukraine;
- **United Kingdom** - the possible exclusion of the Parliamentary Commissioner for administration (the parliamentary Ombudsman) and Health Service Commissioner from the "safe space" provided for by the Health and Care Bill.

- was informed by the Group of Wise Persons on the preparation of the elections to the Commission's offices to take place in December 2021;

- decided to establish a new Sub-Commission on Ombudsman Institutions.

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

RECENT EVENTS

Constitutional assistance

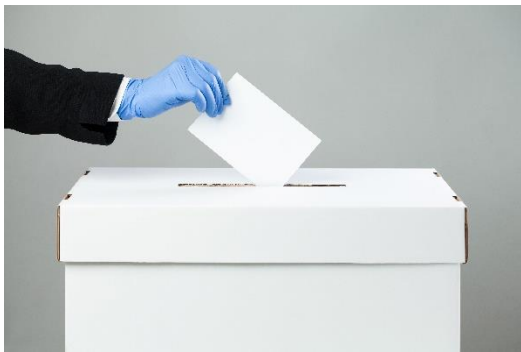


"The rule of law in the face of crises" – debate - 04/10/2021

President Buquicchio participated in the debates moderated by Patrick Cohen "The rule of law in the face of crises", held at the French Constitutional Council. The event brought together such international personalities as • Svetlana Tikhanovskaya, 2020 Sakharov Human Rights Prize; • Denis Mukwege, 2018 Nobel Peace Prize; • Didier Reynders, European Commissioner for Justice.

[Learn more about the event here](#)

Elections, referendums and political parties



18th European Conference of Electoral Management Bodies (EMBs) - 29/10/2021

The Venice Commission held the 18th European Conference of Electoral Management Bodies (EMBs) online, operating from the headquarters of the Council of Europe in Strasbourg, France. This year the conference was devoted to the “Lessons learned from the impact of the COVID-19 health crisis on electoral processes”.

[Learn more about this event](#)

Constitutional justice



WCCJ - Supreme Court of Sweden becomes 118th member 04/10/2021

The Supreme Court of Sweden joined the World Conference on Constitutional Justice, which now has 118 members.

[Website of the WCCJ](#)

Neighbourhood policy



13th UniDem Med seminar – Public Administration facing the COVID 19 pandemic: Modernisation and digital innovations – 05-06/10/2021

More than 150 international experts and senior public officials from the Southern Mediterranean (Algeria, Egypt, Jordan, Morocco and Tunisia) participated online in the event, in addition to 80 face-to-face participants in Palestine*.

* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the CoE and EU members states on this issue

Work in progress

Since the Plenary session held in July 2021, the Commission has been working on four urgent opinions and some twenty other opinions and *amicus curiae* briefs.

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



Meeting of the Rapporteurs Group on External Relations of the Committee of Ministers of the Council of Europe - 05/11/2021

Strasbourg, Council of Europe - Mr Gianni Buquicchio, President of the Venice Commission, participated in the meeting of the Committee of Ministers' Rapporteurs Group on the External Relations (GR-EXT).

President Buquicchio presented [an overview of the co-operation between the Venice Commission and non-European countries](#) and exchanged views with the members of the GR-EXT on the Council of Europe contribution to the international order and global governance, as well as to the achievement of the Sustainable Development Goals (SDGs).



129 Plenary session of the Commission – 10-12/12/2021

Venice/online - The Venice Commission will hold its fourth and final plenary session of the year in a hybrid format. Its constitutional experts are expected to adopt, among other texts, opinions on Albania, Cyprus, Hungary, the Republic of Moldova and Ukraine.

The session will announce the election of a new president to succeed Mr Gianni Buquicchio.

[Revised annotated agenda](#)



GLOBAL FORUM ON DEMOCRACY - The role of electoral bodies in democratic governance - 24 - 25/11/2021

Mexico City – A representative of the Venice Commission participated in the Global Forum on Democracy on Electoral Management Bodies organised by the National Electoral Institute of Mexico. The Forum was organised with the support and cooperation of Kofi Annan Foundation, International Foundation for Electoral Systems (IFES), Inter-American Institute of Human Rights (IIDH), International Institute for Democracy and Electoral Assistance (IDEA International), the Venice Commission of the Council of Europe and the Organization of American States. [Learn more about the event](#)



Urgent opinions issued and new requests

The Commission issued two urgent opinions on Serbia: on [the revised draft law on the referendum](#) (09/11/2021) and the people's Initiative and on [revised draft constitutional amendments on the judiciary](#) (24/11/2021).

In addition, the Commission received the following **requests for opinions on**:

- **Albania** - draft law for the amendment of the Constitution to provide for the extension of the mandate of the transitional bodies in charge of the re-evaluation of judges and prosecutors - Speaker of the Parliament (05/11/2021);
- **Republic of Moldova** – draft law on certain measures relating to the selection of candidates for administrative positions in the self-governing bodies of judges and prosecutors - Minister of Justice (17/11/2021).

The Commission has **organised country visits** (physical or online) concerning the forthcoming opinions on [Hungary](#) (15, 17 and 18/11/2021), [Ukraine](#) (16-17/11/2021), [Republic of Moldova](#) (16/11/2021), [Kazakhstan](#) (17-18/11/2021), [Kosovo](#) (17-18/11/2021), [Cyprus](#) (18/11/2021), [Ukraine](#) (22-23/11/2021).

UKRAINE - Urgent need to set up the Ethics Council - statement by President Buquicchio - 29/09/2021

On 29 September 2021, the President of the Venice Commission, Mr Gianni Buquicchio, made the following statement:

"Judicial reform was at the centre of my recent fruitful exchange with the President of Ukraine, Volodymyr Zelenskyy. That reform is crucial for the future of the country, it raises very high expectations in Ukrainian society.

I welcome the adoption of the Law "On Amendments to the Law of Ukraine On the Judicial System and the Status of Judges and some laws of Ukraine regarding the resumption of the work of the High Qualification Commission of Judges of Ukraine" (No. 1629-IX). This is a centre piece of this reform and will allow re-establishing the High Qualification Commission of Judges, which should start filling the numerous judicial vacancies as soon as possible.



Another essential part of that reform is the establishment of the Ethics Council. Its activities are provided for by the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning the procedure for selection (appointment) to the positions of members of the High Council of Justice and the activities of disciplinary inspectors of the High Council of Justice" (No. 1635-IX). Ukraine's international partners have already nominated their candidates for the Ethics Council. It is now urgent that ..."

[Read full text of the statement](#)