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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

41st PLENARY MEETING
(Venice, 10-11 December 1999)

SYNOPSIS

The Commission:

- held an exchange of views with Ms Magdalena Tovornik, Permanent Representative of Slovenia to the Council of Europe, Mr Jacques Warin, Permanent Representative of France to the Council of Europe, and Mr Erik Jurgens, Member of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly and member of the First Chamber of the States General, Netherlands;
- decided to set up a Sub-Commission on South East Europe as a follow-up to the conference on “The contribution of constitutional arrangements for the stability of South East Europe”, which took place in Slovenia in November 1999;
- welcomed the fact that the Albanian Constitutional Court had decided that the death penalty was contrary to the Albanian Constitution and endorsed the results of a meeting with the Constitutional Court of Albania on a revised draft of the Law on the Organisation and Functioning of the Albanian Constitutional Court;
- adopted the Report of its Working Group on the judicial protection of human rights in the Federation of Bosnia and Herzegovina and indicated its willingness to provide assistance in the implementation of the Report’s conclusions;
- was informed about progress in respect of work on ombudsmen institutions and on the restructuring of judicial Human Rights protection mechanisms at the level of the state of Bosnia and Herzegovina;

- held an exchange of views with Mr Farrand, Supervisor for Brčko, on the Statute of Brčko as well as with Mr Froment-Meurice from the Office of the High Representative on the electoral law of Bosnia and Herzegovina;
- was informed about progress of the Working Group on the establishment of a State Court in Bosnia and Herzegovina;
- decided to carry out a study on the execution of decisions of constitutional courts;
- noted that the rapporteurs would be available for an exchange of views with the Bulgarian authorities regarding certain constitutional aspects of the new Bulgarian Code of Criminal Procedure;
- discussed co-operation with Croatia, in particular with regard to the revision of the Constitutional Law on the rights of national minorities and the participation of international advisers in the work of the Constitutional Court;
- decided to hold a seminar with the Constitutional Court of Latvia in February regarding the draft amendments to the Law on the Constitutional Court;
- adopted its interim report on constitutional revision in Moldova and agreed to forward it to the Parliamentary Assembly; expressed its wish to continue co-operation with the Moldovan authorities to ensure that the revision will be compatible with European democratic standards; noted with satisfaction that the Moldovan authorities seem willing to create a joint working group on constitutional revision, composed of representatives from the Parliament and the Constitutional Commission with the participation of the Venice Commission;
- instructed the Secretariat to draw up a summary report on the draft Law on the Judiciary of Ukraine, based on the comments made by the Rapporteurs, and to forward it to the Parliamentary Assembly together with the individual reports;
- was informed about the conference which had recently taken place in South Africa on “African Renaissance” and welcomed the steps which the South African authorities were undertaking with a view to establishing a Southern African Commission for Democracy and Constitutionalism;
- was informed of the work of its Working Group on Kosovo, particularly its visit to Pristina, progress of work on the Ombudsman and of the study concerning the Kosovo Assembly during the transitional period;
- held an exchange of views with Mr José Gregori, Secretary of State for Human Rights of Brazil, concerning constitutional developments in Brazil and possible co-operation between the Commission and Brazil;
- was informed of progress regarding constitutional revision in Slovakia;
- adopted its study on Electoral Law and National Minorities;
- adopted its study on Self-determination and secession in constitutional law and decided to forward it to the Parliamentary Assembly;

- adopted its study on Federated and Regional Entities and International Treaties and decided to forward it to the Chamber of the Regions of the CLRAE;
- adopted the guidelines and explanatory report on the Prohibition of Political Parties;
- was informed about forthcoming UniDem seminars :
 - Implementation of the Albanian Constitution (Trieste, 13-14 December 1999)
 - The protection of human rights in the 21st Century : towards a greater complementarity within and between European Regional organisations (Dublin, 3-4 March 2000)
 - Democracy in a society in transition (Lund, 19-20 May 2000)
 - Constitutional Law and European integration (Cyprus, Autumn 2000)
 - National identity and the consolidation of the State (Moldova, end of 2000/early 2001)

G. BUQUICCHIO

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