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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**CO-OPERATION
WITH CONSTITUTIONAL COURTS
PARTICIPATING IN THE JOINT COUNCIL ON CONSTITUTIONAL
JUSTICE OF THE VENICE COMMISSION**

FUNCTIONS OF LIAISON OFFICERS

1. Introduction

The Venice Commission of the Council of Europe is an advisory body on constitutional matters, which provides opinions to its Member States on constitutional and legislative amendments. The role of the Venice Commission is to provide legal advice to its Member States and, in particular, to help states wishing to bring their legal and institutional structures into line with European standards and international experience in the fields of democracy, human rights and the rule of law.¹

In order to support the implementation of constitutions, the Venice Commission assists constitutional courts and equivalent bodies in the exchange of information through its CODICES database (www.CODICES.CoE.int) and the restricted on-line Venice Forum.

Together with constitutional courts and courts with equivalent jurisdiction (constitutional councils, supreme courts) in its Member and Observer States, the Venice Commission has established a network of liaison officers with the aim of producing the CODICES database. Liaison officers in the Venice Commission's 61 Member States, the Associate Member State, Observer States or countries with a special status² meet annually in the meetings of the Joint Council on Constitutional Justice (JCCJ).³

In addition, the Venice Commission co-operates⁴ with regional and language based groups of constitutional courts and equivalent bodies. This enables the members of these groups to contribute to CODICES and the Venice Forum:

1. Association of Asian Constitutional Courts and Equivalent Institutions
2. Association of Francophone Constitutional Courts
3. Commonwealth Courts
4. Conference of Constitutional Control Organs of Countries of New Democracy
5. Conference of Constitutional Courts of Countries of Portuguese Language
6. Conference of Constitutional Jurisdictions of Africa
7. Conference of European Constitutional Courts
8. Ibero-American Conference on Constitutional Justice
9. Southern African Chief Justices Forum
10. Union of Arab Constitutional Courts and Councils.

Many of the members of these groups are also among the 114 members of the World Conference on Constitutional Justice (WCCJ) for which the Venice Commission acts as the Secretariat.⁵

The Courts appoint liaison officers who contribute important case-law to the CODICES database and exchange information with other courts via the Venice Forum. In their welcome letter, liaison officers receive information about the account which enables them to access the restricted Venice Forum.

This document is addressed to liaison officers and explains to them the tools offered by the Venice Commission.

2. Password for the Venice Forum

As a liaison officer, you have access to the restricted Venice Forum, which contains the Newsgroup (announcements, discussions between the Courts), the Constitutional Justice Observatory and the documents of the World Conference on Constitutional Justice (<https://cs.coe.int/team21/veniceforum>).

¹ https://www.venice.coe.int/WebForms/pages/?p=01_Presentation&lang=EN.

² <https://www.venice.coe.int/WebForms/members/countries.aspx?lang=EN>.

³ https://www.venice.coe.int/WebForms/pages/?p=01_Constitutional_Justice&lang=EN.

⁴ https://www.venice.coe.int/WebForms/pages/?p=02_Regional&lang=EN.

⁵ https://www.venice.coe.int/WebForms/pages/?p=02_WCCJ&lang=EN.

In order to log into the Venice Forum, you will need your e-mail address.

Your first password will be sent to you by e-mail. Please change the password as soon as you receive it.

Please note that your password will expire every two months and that you will have to reset it following the procedure explained at:

http://www.venice.coe.int/WebForms/pages/?p=05_password_reset.

Do not hesitate to contact us should you have any trouble in resetting your password or in logging into the Venice Forum site.

A user's guide for the Venice Forum is available at:

[https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU\(2015\)003-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU(2015)003-e).

3. Venice Forum Newsgroup

In 2006, the Venice Forum Newsgroup website was set up to facilitate the direct exchange of information between the courts, without the need for the Secretariat of the Venice Commission to intervene.

The Newsgroup is a restricted website that provides a setting for the exchange of information between liaison officers. It gives liaison officers the opportunity to make announcements (appointments at their courts, important recent or upcoming decisions, conferences publications, questions to other courts, etc.), and to up or download documents and photos that can be accessed by all users. We encourage you to actively use the Newsgroup so as to keep the other courts informed about major events happening at your court.

4. "Classic" Venice Forum

Already in 1997, the Venice Commission established an Internet Forum for the liaison officers to discuss questions that arise in the work of the participating courts and to request information from the other courts on such questions. Usually, the liaison officer from the requesting court will send an e-mail to the Secretariat of the Venice Commission which, in turn, will forward it to all the other liaison officers for reply (guidelines for the "classic" Venice Forum in document [CDL-JU\(2015\)006](#)). The requests should relate to the case-law of the courts rather than inquiries about the legislative situation in other countries.

5. Contributions to the e-Bulletin on Constitutional Case-Law and the CODICES database

The CODICES database is publicly available at the following address: www.codices.coe.int.

Liaison officers are requested to send summaries (*précis*) of important decisions in English or French to the Secretariat of the Venice Commission three times a year. These *précis* are adapted, formatted and then published in the *e-Bulletin on Constitutional Case-Law* and the CODICES database by the Secretariat. Please refer to the instructions in document [CDL-JU\(2015\)007](#) which contains **guidelines on how to draft *précis***⁶ and to version 22 of the Systematic Thesaurus contained in document CDL-JU(2014)019cor.⁷ Please send us your contributions (*précis*) in standard word-processing software (Word) keeping those *précis* as close as possible to the prescribed number of words per *précis* (1 200). There is no need to send court statistics.

⁶ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU\(2015\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU(2015)007-e).

⁷ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU\(2014\)019cor-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU(2014)019cor-e).

The general **schedule for the preparation of the *précis*** is the following:

- Issue 1: Period from 1 January to 30 April
Deadline for contributions: 15 May
- Issue 2: Period from 1 May to 31 August
Deadline for contributions: 15 September
- Issue 3: Period from 1 September to 31 December
Deadline for contributions: 15 January

6. Choice of decisions to contribute in the form of *précis*

The concept of constitutional cases published in the CODICES database is a wide one. It goes well beyond institutional issues and includes human rights issues (e.g. on fair trial), but also electoral cases. The **choice of decisions** to be published in the CODICES lies with either the liaison officer or the Court. A criterion for the selection of decisions could be the interest they raised in other countries, which will in most cases be one of constitutional law. Important cases, which have a major political impact in the country, may of course feature in CODICES as well. This fact should be pointed out in the “Supplementary information” zone of the *précis* concerned. Due to the great volume of contributions that are sent to the Secretariat, editorial modifications will only be sent to liaison officers if major changes were made to the text. However, liaison officers may consult the state of advancement of the editing of their contributions on the CODICES website under “*précis* being processed” at www.codices.coe.int at any time.

7. Full texts of decisions

In addition to the *précis*, the Secretariat would be grateful if liaison officers could send the **full texts** of the summarised decisions in the original language(s) and, if available, their translation into any other languages. The full texts need to reach the Secretariat in text processing format (Word) in order to be integrated into the database. Only in exceptional cases, such as Arabic fonts, the full text can be added to CODICES as a PDF file.

8. Constitutions

If we have not yet included the Constitution of your country in the CODICES database, please send it to us in Word format in English and/or in French, if available.

As we establish links in CODICES from the *précis* to the Articles of the Constitution, we have to keep track of the previous wording of amended Articles in notes in the Constitution. As a result, we need the text currently in force as well as an indication of which Articles have been amended. Therefore, **when you send us a new version of the Constitution, please also provide us with the amending law** as it will allow us to introduce the notes with the previous text. **All texts should be provided in Word format so that we can format them for the CODICES database.**

9. President / Secretary General

If we have not yet included the name of the current President or Chief Justice and the Secretary General / Registrar of your court in the Venice Forum database, please send this information to us.

Contact details of presidents, secretaries general and liaison officers are available at the Venice Forum: <https://cs.coe.int/team21/veniceforum/Lists1/Forms/AllItems.aspx>.

10. Membership of the Court in regional / linguistic groups and the World Conference on Constitutional Justice (WCCJ)

If we have not yet included information regarding the membership of your court in regional or linguistic groups and the WCCJ in the CODICES database, please let us know.

11. Links to the site of the court and its composition

If we have not yet included the links to the website of your court and a page indicating its composition (list of judges) in the Venice Forum, please send this information to us.

12. Liaison officer: your address and publication of your Contact details in the CODICES database

Liaison officers should let the Secretariat know whether they agree to have elements of their contact details (address, telephone, fax, e-mail) published in the CODICES database.

13. Contributions

Liaison officers will receive an e-mail, three times a year and 15 days after the expiry of a reference period, inviting them to contribute to CODICES and requesting certain information updates.

Liaison officers are kindly requested to reply, even if there was no relevant case-law during the reference period. Please also inform us should there be any relevant case-law which you were unable to contribute within the set deadline and which you intend to send us for the next reference period. In addition, please send us the full text of the decisions, possible updates of the description of the Court, amendments to the Constitution.

14. Constitutional Justice Media Observatory

The Observatory presents information on news agency dispatches and press articles relating to constitutional courts and equivalent bodies. Liaison officers and the public at large can subscribe to the Observatory (e-mail to Ms Jayne Aparicio, see below). The information presented is the result of Internet searches in English and in French. The Commission is ready to add any additional information provided by the Court concerned or to remove an alert upon its request.

The Venice Commission cannot vouch for the accuracy of the reports. The Observatory does not purport to provide a complete picture of any decision or the development of constitutional justice in general.

The archive of previous Observatory messages is available in the Venice Forum.

15. Opinions and *amicus curiae* opinions (briefs)

Upon request by the executive or the legislative powers in its member states, the Venice Commission provides legal advice on draft legislation the constitutional court or on legislation that is already in force.

The subject matter of these opinions can also be (draft) constitutional or legal provisions governing the work of the courts. In such cases, the Venice Commission' opinions usually advise that the courts' independence be strengthened and to introduce individual access to the courts. Sometimes, the constitutional courts themselves request opinions on draft legislation on the courts.

However, constitutional courts (or the European Court of Human Rights), can also request opinions on cases pending before them, which are then referred to as “amicus curiae briefs”.

An *amicus curiae* brief by the Venice Commission provides information on comparative constitutional and international law issues. An *amicus curiae* brief therefore does not address the constitutionality of the act or law concerned in a given case before the requesting court.

The Venice Commission’s role is therefore neither to address the specific cases pending before the requesting court nor to assess the constitutionality of domestic provisions. This is the national court’s role.

For this reason, the Venice Commission asks courts in their request for an amicus curiae brief, to formulate specific questions they would like the Venice Commission to answer.

16. Book-exchange

The Venice Forum also contains a section on a book- exchange programme between participating Courts. Member Courts often publish the proceedings of their conferences and seminars in the form of books of which all copies are not always distributed. The book exchange aims to encourage participating Courts to distribute remaining copies to other member Courts. To this end, courts are invited to indicate, in the table below, which books they are ready to distribute to other member Courts and those interested may then request these books directly from the Court in question.

<https://cs.coe.int/team21/veniceforum/WCCJbookexchangechangedelivres/Forms/AllItems.aspx>

17. Library

If your Court publishes books, we are happy to house them in our multilingual library in Strasbourg. A list of documents can be found at:

<https://www.venice.coe.int/WebForms/cocentre/new.aspx?lang=EN> .

If the judgements of your Court are available on your site, please, however, do not send us the printed collection.

18. Financial arrangements

The expenses incurred for the journey to the place of the meetings of the Joint Council on Constitutional Justice are borne by the Court which has nominated the liaison officer. The Venice Commission cannot, unfortunately, financially contribute to the valuable work the liaison officers provide and for which the Venice Commission is most grateful.

19. Contact

Mr Schnutz Rudolf DÜRR, Head of the Constitutional Justice Division and Secretary General of the WCCJ is at your disposal for any further questions
(Tel. +33 3 88 41 39 08 / e-mail: Schnutz.Durr[a]coe.int).

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Ms Jayne APARICIO:

Division assistant, preparation of WCCJ congresses and trainings and meetings of the JCCJ, assistance for opinions, organisation of conferences with constitutional courts, lists of courts, secretary generals, liaison officers; WCCJ site, Constitutional Justice Observatory, liaison officer accounts / passwords.

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