



Strasbourg, 13 August 2021

CDL-JU-OJ(2021)001
Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)**

**19th Meeting of the Joint Council
on Constitutional Justice**

online

Thursday, 23 September 2021

**Training session:
from 10 a.m. to 11.30 a.m**

**Meeting:
from 11.30 a.m. to 12.30 p.m.
(lunch break from 12.30 p.m. to 2 p.m.)
from 2 p.m. to 4.30 p.m.**

DRAFT ANNOTATED AGENDA

Thursday, 23 September 2021

A. Training session

(10 a.m. – 11.30 a.m.)

The Secretariat will present the updated *Guidelines for the presentation of contributions to the Bulletin on Constitutional Case-law, CODICES*, the functions of liaison officers and the various IT- tools at the disposal of liaison officers:

- a) Public and restricted Web-site of the Venice Commission (with password reset procedure), regional and linguistic groups, the World Conference on Constitutional Justice, opinions and reports;
- b) Venice Forum, including Newsgroup, classic Venice Forum and the Constitutional Justice Observatory, as well as the lists of courts/presidents, secretaries general, and liaison officers;
- c) CODICES database.

B. Joint Council meeting

(11.30 a.m. to 12.30 p.m. and 2 p.m. to 4.30 p.m.)

1. Opening

2. Adoption of the Agenda

3. Election of a liaison officer as Co-President of the Joint Council on Constitutional Justice

The liaison officers are kindly requested to indicate their candidacy for the co-presidency to the Secretariat before the meeting.

4. Communication by the Secretariat

The Secretariat will inform the participants about the current activities of the Venice Commission.

5. Updating data on the participating courts

Liaison officers are invited to let the Secretariat know whether the information regarding their Courts is correct (available in the Venice Forum <https://cs.coe.int/team21/veniceforum/Lists1/Forms/AllItems.aspx>, under “Lists”).

6. Venice Forum

The Venice Forum includes the “Classic” Venice Forum, the Newsgroup, the Constitutional Justice Observatory and the Interim Bulletin.

Link: <https://cs.coe.int/team21/veniceforum>

6.a. “Classic” Venice Forum

The Secretariat encourages liaison officers to actively use the classic Venice Forum. The Secretaria will present the guidelines and inform the participants about Venice Forum requests.

Link: <https://cs.coe.int/team21/veniceforum/SitePages/Classic%20Venice%20Forum.aspx>

Year	Number of questions received (in total)	Number of answers received (in total)
2020	18	300
2021 (up to 24 June)	7	115
TOTAL	25	415

6.b. Venice Forum Newsgroup

Link: <https://cs.coe.int/team21/veniceforum/default.aspx>

The Newsgroup enables courts to actively share information with each other, e.g. to make on-line announcements on changes to their composition, on recent key judgments and to make various requests for general information.

The Newsgroup is also used by the Secretariat to inform liaison officers about accessions to the World Conference on Constitutional Justice (WCCJ) and appointments of Presidents to Courts.

Liaison officers are alerted every Friday at 4 p.m. CET about new items that are added to the Newsgroup.

Liaison officers, who are new or who have not received these alerts or who cannot access the Venice Forum, are invited to contact the Secretariat.

6.c. Constitutional Justice Media Observatory

Link: <https://cs.coe.int/team21/veniceforum/SitePages/Observatory.aspx>

The Constitutional Justice Media Observatory is sent in the form of an e-mail to members and liaison officers who have subscribed and presents information on news agency dispatches and press articles relating to constitutional courts and equivalent bodies.

The information presented results from an Internet search in English and in French and does not purport to provide a complete picture of any decision or development of constitutional justice in general. Although the Venice Commission cannot vouch for the accuracy of the information sent, it can add any information provided by the court concerned or remove an article, upon request.

Liaison officers may register for weekly Observatory messages.

6.d. Best practices

The Secretariat has included a “Best Practices” section in the Venice Forum following the Bureau of the World Conference’s decision in March 2021 to collect the member Courts’ best practices with respect to procedural and organisational changes resulting from the COVID-19 crisis. This concerns, for instance, online hearings/meetings, teleworking, possibility to submit documents electronically, organisational changes within the court and so on. The Best Practices should also include information regarding challenges and difficulties met during this period.

So far the Secretariat has included contributions from Benin, France, Italy, Russia and Switzerland. The Secretariat will provide an index to the contributions by topic.

Liaison officers will be invited to contribution to the Best Practices section in the Venice Forum.

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

7. Opinions and studies of the Venice Commission

Participants will be informed about opinions and reports on constitutional justice, adopted by the Venice Commission since the last meeting of the JCCJ on 27-28 June 2018, held in Lausanne, Switzerland.

2018
923/2018 - Georgia - Effects of Constitutional Court decisions on final judgments in civil and administrative cases
932/2018 - Report on Separate Opinions of Constitutional Courts
934/2018 - Luxembourg - Revision of the Constitution
940/2018 - Malta - Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement bodies
2019
961/2019 - Armenia - Opinion on the constitutional implications of the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)
964/2019 - Peru - Linking Constitutional Amendments to the Question of Confidence
967/2019 - Moldova, Republic - Amicus Curiae Brief on the criminal liability of constitutional court judges
970/2019 - Report to clarify in which circumstances, if any, the European Convention of Human Rights allows the criminalisation of calls by politicians or representatives of civil society for radical constitutional changes by peaceful means
2020
978/2020 - Albania - Opinion on the appointment of judges to the Constitutional Court.
981/2020 - Russian Federation - Opinion on the draft Amendments to the Constitution of the Russian Federation (as signed by the President of the Russian Federation on 14 March 2020) relating to the execution in the Russian Federation of judgments of the European Court of Human Rights.
988/2020 - Armenia - Three questions in the context of constitutional amendments concerning the mandate of the judges of the constitutional court
997/2020 - Iceland - Opinion on four draft constitutional bills on the protection of the environment, on natural resources, on referendums and on the President of Iceland, the Government, the functions of the executive and other institutional matters.
1002/2020 - Bulgaria - Opinion on the draft amendments to the Constitution
1003/2020 - Republic of Moldova - Amicus Curiae Brief on specific legal questions concerning the mandate of members of constitutional bodies
1007/2020 - Kyrgyzstan - Amicus Curiae Brief on the postponement of the Parliamentary elections motivated by carrying out a constitutional reform
2021
1020/2021 - Republic of Moldova - Amicus curiae brief on three legal questions concerning constitutional review of law-making procedures in Parliament
1021/2021 - Kyrgyzstan - Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft Constitution of the Kyrgyz Republic
1023/2021 - Kazakhstan - Opinion on the Concept paper for improving the legal framework of the Constitutional Council
1024/2021 - Ukraine - Opinion on the draft law on constitutional procedure and alternative draft law on the procedure for consideration of cases and execution of judgements of the Constitutional Court

8. Co-operation activities

8.a. Co-operation with the Conference of European Constitutional Courts (CECC)

Participants will be informed about the Venice Commission's co-operation with the Conference of European Constitutional Courts (CECC).

24-25 February 2021	Prague, Czech Republic, online – XVIII th Congress on the topic “ <i>Human Rights and Fundamental Freedoms: The Relationship of International, Transnational and National Catalogues in the 21st Century</i> ”.
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8.b Co-operation with the Association of Francophone Constitutional Courts (ACCF)

Participants will be informed about the Venice Commission’s co-operation with the Association of Francophone Constitutional Courts (ACCF).

25 May 2021	Online – 9 th Conference of Head of Institutions of the Association of Francophone Constitutional Courts on "Collegiality".
22-26 January 2022	Senegal – 9 th Congress of the ACCF.

8.c Co-operation with the Southern African Chief Justices Forum (SACJF)

Participants will be informed about the Venice Commission’s co-operation with the Southern African Chief Justices Forum (SACJF).

2021(postponed)	Arusha – Conference of the Southern African Chief Justices Forum.
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8.d Co-operation with the Eurasian Association of Constitutional Review Bodies (EACRB)

Participants will be informed about the Venice Commission’s co-operation with the Eurasian Association of Constitutional Review Bodies (EACRB).

27 August 2020	Nur Sultan (online) – meeting of the EACRB on the occasion of the Fourth AACC Congress hosted by the Constitutional Council of Kazakhstan on the theme “The XXI st Century Constitution – the Rule of Law, the value of person and the effectiveness of the state.”
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8.e Co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)

27 August 2020	Nur-Sultan (online) – Fourth AACC Congress hosted by the Constitutional Council of Kazakhstan on “The XXI st Century Constitution – the Rule of Law, the value of person and the effectiveness of the state.”
27 August 2021	Nur-Sultan – The Constitutional Council of Kazakhstan and the AACC will organise a Symposium on “The Internet Era: the Rule of Law, the Values of the Person and the State Independence.” The Symposium will coincide with the 30 th anniversary of the Independence of Kazakhstan. Prior to the Symposium the AACC will hold a meeting of its Board of Members and a meeting of Secretaries General.

8.f Co-operation with the Ibero-American Conference of Constitutional Justice (CIJC)

Participants will be informed about the Venice Commission’s co-operation with the Ibero-American Conference of Constitutional Justice (CIJC).

25 – 26 September 2020	Cartagena, Colombia (online) - XIII th Congress of the Ibero-American Conference of Constitutional Justice.
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8.g. Co-operation with the Union of Arab Constitutional Courts and Councils (UACCC)

Participants will be informed about the Venice Commission's co-operation with the Union of Arab Constitutional Courts and Councils (UACCC).

8.h. Co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP)

Participants will be informed about the Venice Commission's co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP).

8.i. Co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA)

Participants will be informed about the Venice Commission's co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA).

12-14 September 2022	Rabat and Fez, Morocco – 6 th Congress of the CCJA on the theme "Constitutional courts and international law".
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8.j. Commonwealth Courts

Participants will be informed about the Venice Commission's co-operation with the Commonwealth Courts.

9. World Conference on Constitutional Justice (WCCJ)

Since the WCCJ's Statute entered into force on 24 September 2011, 117 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice have acceded to the WCCJ. The updated list of members is available at: www.venice.coe.int/WCCJ.

20 March 2021	Online – 16 th meeting of the WCCJ Bureau took place online and discussed the the preparation of the 5 th Congress of the WCCJ that will be hosted by the Constitutional Court of Indonesia.
4-7 October 2022	Bali – 5 th Congress of the WCCJ on "Constitutional Justice and Peace".

The deadline for contributions to the questionnaire for the 5th Congress of the WCCJ is on 30 September 2021.

10. Seminars and conferences with Constitutional Courts (CoCoSem)

Participants will be informed about the Venice Commission's participation in seminars/conferences since the last Joint Council meeting as well as the programme for future CoCoSem seminars.

2021 – events that have taken place	
25 June 2021	Kazakhstan - "Execution of the decisions of the Constitutionals Courts and equivalent bodies – theory and practice" - International online Seminar
24 June 2021	Kyiv - On the occasion of its 25 th anniversary as well as the 25 th anniversary of the adoption of the Constitution of Ukraine, the Constitutional Court of Ukraine organised an international conference on "The Constitution of 1996: Ukraine within the framework of European constitutionalism" in co-operation with the the IRZ-Foundation and the Venice Commission.
2021 – upcoming events	

27 August 2021	Nur-Sultan – The Constitutional Council of Kazakhstan and the AACC will organise a Symposium on “The Internet Era: the Rule of Law, the Values of the Person and the State Independence.” The Symposium will coincide with the 30 th anniversary of the Independence of Kazakhstan. Prior to the Symposium the AACC will hold a meeting of its Board of Members and a meeting of Secretaries General.
24-25 October 2021	Budapest - on the occasion of its 30 th anniversary, the Constitutional Court of Hungary will organise a conference on “Horizontal co-operation between the European Constitutional Courts”.
2022	
12-14 September 2022	Rabat and Fez, Morocco – 6 th Congress of the CCJA on the theme “Constitutional courts and international law”.
22-26 January 2022	Senegal – 9 th Congress of the ACCF.
June 2022	Ljubljana – 30 th anniversary of the Constitutional Court of Slovenia.

11. Publication of the *e-Bulletin on Constitutional Case-Law*

The Secretariat will present the draft revised guidelines for contributions (CDL-JU(2021)***); the call for contributions no longer requests statistics.

The Secretariat will invite liaison officers to discuss any issues concerning the preparation of contributions to the e-Bulletin: headnotes, indexing, cross-references, etc.

Liaison officers are invited to share their experience and suggestions for improvement.

12. CODICES database

12.a *Upgrading the CODICES*

Participants will be informed about progress made in replacing the CODICES database with new software.

12.b *Updating and indexing constitutions, laws and descriptions in CODICES*

Participants will be informed about the progress made in updating constitutions, laws on and descriptions of courts.

13. Documentation Centre on Constitutional Justice / Library

The library of the Documentation Centre on Constitutional Justice (CoCentre), which is composed exclusively of donations, mostly from constitutional courts and equivalent bodies can no longer receive paper bulletins from Courts, which exist on-line, as it no longer has the room to store them. The library can continue to accept individual monographs and periodicals that do not exist on-line (please inform the Secretariat when this is the case). Where available, the Secretariat would prefer to receive PDF versions of books, which do not take up space and can be made available on-line.

The Secretariat of the Venice Commission is grateful to those who have contributed to the library over the years. The list of documents is available at:

<http://www.venice.coe.int/WebForms/cocentre/default.aspx>

14. Other business

15. Date and place of the next meeting

The 20th meeting of the JCCJ will be hosted by the Constitutional Court of Bulgaria in May 2022.