



Strasbourg, 7 September 2016

**CDL-JU-PV(2016)001**  
Or. Engl.

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

**15<sup>th</sup> meeting of the Joint Council  
on Constitutional Justice**

**Venice, Italy**

**7 - 8 June 2016**

**MEETING REPORT**

## **A. Training session**

Mr Schnutz Dürr explained the various IT- tools at the disposal of the liaison officers, which include the procedure for resetting the password that expires every 63 days (see [http://www.venice.coe.int/WebForms/pages/?p=05\\_password\\_reset](http://www.venice.coe.int/WebForms/pages/?p=05_password_reset)); access to the public and restricted website of the Venice Commission ([www.venice.coe.int](http://www.venice.coe.int)), including the list of courts, the list of secretaries general, the list of liaison officers, regional and linguistic groups, the World Conference on Constitutional Justice ([http://www.venice.coe.int/WebForms/pages/?p=02\\_WCCJ](http://www.venice.coe.int/WebForms/pages/?p=02_WCCJ)), opinions and reports.

Mr Dürr also explained how to access the Venice Forum, which includes the Newsgroup, the “Classic” Venice Forum (per e-mail exchange), the Observatory (<https://cs.coe.int/team21/veniceforum/default.aspx>) and how to search the CODICES database ([www.CODICES.coe.int](http://www.CODICES.coe.int)).

He also made a presentation on the preparation of *précis*, focusing on the writing of headnotes and indexing.

## **B. Joint Council meeting**

Mr Dürr welcomed the participants. He reminded them that the Joint Council on Constitutional Justice (hereinafter, the “JCCJ”) has two co-chairs: Mr Evgeni Tanchev, Member of the Venice Commission for Bulgaria, who represents the Venice Commission, and Ms Krisztina Kovacs, who represents the liaison officers. Ms Kovacs’ mandate had come to an end and therefore a new representative for the liaison officers had to be elected during this meeting.

Mr Tanchev chaired the meeting.

### **1. Adoption of the Agenda**

The agenda was adopted.

Mr Rik Ryckeboer, liaison officer for the Constitutional Court of Belgium, informed the participants that this was Ms Juliane Alberini-Boillat’s, liaison officer to the Swiss Federal Court, last meeting of the Joint Council, as she was going to retire over the summer.

With the agreement of the Chair, Mr Ryckeboer paid tribute to Ms Alberini-Boillat’s professionalism and to her significant contribution to the work of the Joint Council since its establishment in 1995 as well as to the development of the Bulletin on Constitutional Case-Law. He also praised her friendly manner and the kindness she had shown over the years. On behalf of the Joint Council and of himself, he warmly thanked Ms Alberini-Boillat for the years of excellent co-operation and wished her all the best for the future.

Mr Dürr joined in this tribute and added that Ms Alberini-Boillat would always be welcomed to the Joint Council meetings.

Ms Alberini-Boillat thanked Mr Ryckeboer for these kind words and said that it was with great sadness that she was leaving the Joint Council, with which she had enjoyed working over the past 25 years. She hoped that she had contributed to some extent to the development of human rights and to the European constitutional heritage.

She thanked Mr Dürr and the Secretariat for their excellent work and extended her best wishes for the Joint Council’s future.

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

The participants were informed that two liaison officers had submitted their candidacies for the post of co-president of the Joint Council: Ms Kook Hee Lim, liaison officer for the Constitutional Court of the Republic of Korea and Ms Marjolein Van Roosmalen liaison officer for the Council of State of the Netherlands.

The vote was held and Ms Van Roosmalen was elected.

**Ms Van Roosmalen, liaison officer for the Council of State of the Netherlands, was elected Co-President of the Joint Council on Constitutional Justice**

**3. Communication by the Secretariat**

Mr Dürr informed the participants about the current activities of the Venice Commission, placing special emphasis on the most important opinions that were going to be adopted at the June plenary session, held immediately after the meeting of the Joint Council (Turkey: Opinion on the Legal Framework governing Curfews; Russia: Final Opinion on the Amendments to the Federal Constitutional Law on the Constitutional Court; Poland: Opinion on the Act of 15 January 2016 amending the Police Act and certain other Acts; Georgia: Opinion on the Amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings).

**4. Updating data on the participating courts**

The Secretariat reminded the participants that it was very important for the Venice Commission to be informed about any changes in courts and invited liaison officers to inform the Secretariat regularly of these changes.

**5. Venice Forum**

The Secretariat presented the Venice Forum, which includes the “Classic” Venice Forum, the Newsgroup, the Constitutional Justice Observatory.

**5.a. “Classic” Venice Forum**

Ms Tanja Gerwien briefly reminded liaison officers about the functioning of the “Classic” Venice Forum, a system based on e-mails that are shared on a restricted website, on which liaison officers can safely exchange information regarding pending cases before their courts (<http://www.venice.coe.int/JU/VeniceForum/>). She thanked the courts which took an active part in the “Classic” Venice Forum, especially with respect to short-deadline requests and encouraged the others to participate as well.

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)
2015	34	567
2016 (up to 30 March)	10	143
<b>TOTAL</b>	<b>44</b>	<b>710</b>

### 5.b. Venice Forum Newsgroup

Mr Dürr explained that the Newsgroup is used by the liaison officers and the Secretariat to inform all liaison officers about, among others, new appointments to the Courts, important judgments, conferences or accessions to the World Conference on Constitutional Justice (WCCJ).

Liaison officers are alerted every Friday at 15:00 CET about any new items added to the Newsgroup during the week. Liaison officers, who are new or who have not received these alerts or who cannot access the Venice Forum, were invited to contact the Secretariat. Liaison officers were also encouraged to be more active in posting information and to ask the Secretariat for assistance in posting information where they encounter difficulties in doing so themselves.

### 5.c. Constitutional Justice Media Observatory

Ms Charlotte de Broutelles briefly presented the Observatory, which contains a selection of articles related to constitutional justice. This selection is sent by e-mail on a weekly basis to liaison officers and Venice Commission members, who have registered with the Secretariat. The articles featured in the Observatory are also archived on the Venice Forum website, where they can be accessed by country or by date. Finally, liaison officers were informed that the Secretariat can add any information provided by the Court concerned or remove an article, upon request.

Link to the Observatory archive:

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

**Liaison officers and members who would like to receive information regularly through the Observatory were invited to register with the Secretariat.**

## 6. Opinions and studies of the Venice Commission

Participants were informed about opinions and reports relating to constitutional justice, adopted by the Venice Commission since the last meeting of the Joint Council that took place in Bucharest, Romania on 11-12 June 2015.

Albania	Interim Opinion on the Draft Constitutional Amendments on the Judiciary of Albania ( <a href="#">CDL-AD(2015)045</a> ).
Armenia	Preliminary Opinion on the draft Amendments to the Constitution (Chapters 1 to 7 and 10) of the Republic of Armenia ( <a href="#">CDL-AD(2015)037</a> ).
	Second Preliminary Opinion on the draft Amendments to the Constitution (in particular to Chapters 8, 9 and 11 to 16) of the Republic of Armenia ( <a href="#">CDL-AD(2015)038</a> ).
Bulgaria	Opinion on the Draft Act to Amend and Supplement the Constitution of the Republic of Bulgaria ( <a href="#">CDL-AD(2015)022</a> ).
Georgia	Amicus Curiae Brief on the non <i>ultra petita</i> rule in criminal cases for the Constitutional Court of Georgia ( <a href="#">CDL-AD(2015)016</a> ).
	Preliminary Opinion on the Amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings ( <a href="#">CDL-PI(2016)005</a> ).
Kyrgyzstan	Joint Opinion on the draft law "on the introduction of changes and amendments to the Constitution" of the Kyrgyz Republic ( <a href="#">CDL-AD(2015)014</a> ).
	Opinion on the Rules of Procedure of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic ( <a href="#">CDL-AD(2015)023</a> ).

Poland	Opinion on amendments to the Act of 25 June 2015 on the Constitutional Tribunal of Poland ( <a href="#">CDL-AD(2016)001</a> )
Russian Federation	Interim Opinion on the amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation ( <a href="#">CDL-AD(2016)005</a> )
Tunisia	Opinion on the draft organic Law on the Constitutional Court of Tunisia ( <a href="#">CDL-AD(2015)024</a> ).
Ukraine	Preliminary Opinion on the amendments to the Constitution of Ukraine regarding the judiciary as proposed by the working group of the Constitutional Commission in July 2015 ( <a href="#">CDL-AD(2015)026</a> ).
	Opinion on the proposed amendments to the Constitution of Ukraine regarding the judiciary as approved by the Constitutional Commission on 4 September 2015 ( <a href="#">CDL-AD(2015)027</a> ).
Venice Commission Compilations	Compilation of Venice Commission opinions and reports on Constitutional Justice ( <a href="#">CDL-PI(2015)002</a> ).
	Compilation of Venice Commission opinions and reports on constitutional amendment ( <a href="#">CDL-PI(2015)023</a> ).

## 7. Co-operation activities

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

Ms Irina Khakhutaishvili, liaison officer for the Constitutional Court of Georgia, which holds the presidency of the CECC, informed the participants of the state of preparation of the XVII<sup>th</sup> Congress on the topic "*Role of Constitutional Courts in upholding and applying Constitutional Principles*", which will be held in Batumi, on 28 June-1 July 2017. She thanked those participants who had already sent their replies to the questionnaire prepared on the theme of the Conference and asked all contributors to send their contributions also in their native language. The deadline for sending contributions is 30 September 2016.

The participants were informed that the Constitutional Court of the Republic of Moldova has submitted its candidacy to host the XVIII<sup>th</sup> Congress.

Mr Dürr stated that a special bulletin on constitutional case-law on the subject matter of the Conference was currently being prepared (see point 10.b).

### 7.b Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)

Ms Rodica Secrieru, liaison officer for the Constitutional Court of the Republic of Moldova, informed the participants that the 8<sup>th</sup> Conference of Heads of Institution of ACCPUF will take place in Chisinau, Republic of Moldova on 28-30 September 2016 on "*The organisation of adversarial proceedings before constitutional courts*". She thanked the courts that had already replied to the questionnaire prepared by ACCPUF's Secretariat and informed them that the proceedings of the Conference will be published.

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

Mr Dürr informed the participants that a "*Conference on Contemporary Issues of the prevention of transnational organised crime with special reference to cybercrime, terrorism, money laundering, human trafficking and proliferation – The Judiciary's Response*" will be held in Windhoek, Namibia on 22-25 September 2016.

#### **7.d. Co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND)**

Mr Vladimir Vardanyan informed the participants that the Constitutional Court of Armenia, the Venice Commission and the Conference of the CCCOCND will co-organise a conference on *“The role and importance of constitutional court decisions in addressing legislative gaps and legal uncertainty: experience of European countries”* in Yerevan on 20-23 October 2016. This Conference will include a session on constitutional monitoring in which the possible use of the *“Rule of Law Checklist”*, adopted at the 106<sup>th</sup> Plenary Session of the Venice Commission, will be examined. This will have be discussed with the Commission’s Scientific Council, at the next plenary session on 9 June.

#### **7.e. Co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)**

On behalf of the Constitutional Court of Indonesia, which currently holds the Presidency of the AACC, Ms Lim informed the participants that the AACC will hold its 3<sup>rd</sup> Congress in Nusa Dua, Indonesia on 8-13 August 2016. Thereafter, on 15-16 August 2016, an International Symposium on the *“Constitutional Complaint as an Instrument for Protecting Fundamental Rights of Citizen”* will take place. This symposium is also organised in celebration of the 12<sup>th</sup> Anniversary of the Constitutional Court of Indonesia.

Mr Dürr informed the participants about the Venice Commission’s excellent co-operation with the Constitutional Court of Korea and, in particular, the Commission’s, and its President Mr Buquicchio, support of the project for the establishment of an Asian Court of Human Rights.

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

Mr Paredes San Roman confirmed that the XI<sup>th</sup> meeting of the Ibero-American Conference of Constitutional Justice (CIJC) on *“Constitutional State and Economic Development”* will be held in Lima, Peru on 28 June-1 July 2016.

#### **7.g. Co-operation with the Union of Arab Constitutional Courts and Councils (UACCC)**

Mr Nizar Al-Kharabsheh informed the participants that a Conference on the *“Arab Constitutional Courts and Councils: Possible Reforms and Challenges in Light of Regional Changes”* was held at the Dead Sea in Jordan on 28-29 February 2016 to which all the members of the Union of Arab Constitutional Courts and Councils (UACCC) were invited. During the Conference the following issues were discussed: *“Constitutional Justice and International Treaties”*, *“Constitutional Justice Between Legitimacy and Relevancy”*, *“Constitutional Principles and their Effect on Constitutional Justice”*, *“the Impact of the Decisions of Constitutional Justice”* and *“Timelines in Constitutional Justice and Their Procedures”*.

Mr Dürr thanked the Union of Arab Constitutional Courts and Councils for their invitation to participate in the next symposium of the UACCC in March 2017 on the theme : *“Latest development in Arab world: experiences of the Arab constitutional judiciary in the field of the right to Equality, religious and cultural freedom”*.

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

In the absence of a representative of the CJCPLP, Mr Dürr informed the participants that the President of the Venice Commission participated in the IV<sup>th</sup> General Assembly of the CJCPLP

on the topic "*The effectiveness of constitutional guarantees in Portuguese-Speaking Countries*" in Brasília, Brazil on 7-8 April 2016.

A note was sent to the Secretariat containing the following information:

- It was suggested in Brazil to strengthen the ties with the Community of Portuguese-speaking countries; a strategy is under consideration;
- Since 15 January 2016, the CJCPLP has a new website : <http://cjcplp.org>;
- The Conference of Constitutional Jurisdictions of Africa (CJCA) asked to become an observer in the CJCPLP;
- The Supreme Court of Guinea-Bissau will hold the Presidency for the next two years.

#### **7.i. Co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA)**

Mr Maman-Sani Aboudou Salami, Secretary General of the CCJA, informed the participants that the CCJA will hold its IV<sup>th</sup> Congress in Cape Town, South Africa on 23-26 April 2017 on the following topic: "*Strengthening of the Independence of the Judiciary and the Respect for the Rule of Law*".

#### **8. World Conference on Constitutional Justice (WCCJ)**

Mr Dürr informed the participants that the Bureau of the WCCJ held its 10<sup>th</sup> meeting in Venice on 12 March 2016 and that it will also hold its 11<sup>th</sup> meeting in Venice, on 11 March 2017. The 10 regional and linguistic groups were invited to the meetings.

During the last meeting of the Bureau, it was agreed that the Rule of Law Checklist would be presented at the 4<sup>th</sup> Congress of the WCCJ in Vilnius, the theme of which is going to be "*The rule of law and constitutional justice in the contemporary world*".

With respect to the organisation of this event, the decision was made for each delegation to be strictly limited to 4 participants and that interventions other than those by the key-note speakers do not exceed 5 minutes. Financial support will be available for member courts of the Least Developed Countries, as was the case for the 3<sup>rd</sup> Congress.

Ms Rūta Macijauskaite reminded the participants that the 4<sup>th</sup> Congress will be held on 11-14 September 2017, and underlined that 2017 is going to be a year of special significance for the Republic of Lithuania, as it will mark the 25<sup>th</sup> anniversary of its Constitution. Delegations should arrive in Vilnius on 10 or 11 September 2017. Regional and linguistic groups will have the possibility of holding their meeting in the afternoon of 11 September 2017. The Congress itself and the General Assembly will take place on 12 and 13 September 2017. A social and cultural programme will be available to the participants on 14 September 2017.

She informed participants that a questionnaire will be sent out to all member courts in July 2016 and that the deadline for sending replies is 30 November 2016.

She also said that a special website had been set up for the 4<sup>th</sup> Congress of the World Conference at: <http://www.wccj2017.lt/>

The budget for the Conference had been approved and the committee for the organisation of the Congress had started its work.

Ms Macijauskaite warmly thanked the President of the Constitutional Court of Korea, Mr Park, and the Constitutional Court for having shared their experience in organising the last WCCJ Congress with the Constitutional Court of Lithuania.

(The updated list of WCCJ members is available at: [www.venice.coe.int/WCCJ](http://www.venice.coe.int/WCCJ)).

## 9. Seminars and conferences with Constitutional Courts (CoCoSem)

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

Mr Dürr explained that some of these seminars/conferences were organised with the help of a special form of financing, the "Programmatic Co-operation Framework". This EU programme partially finances seminars/conferences in the following six countries: Armenia, Azerbaijan, Bulgaria, Georgia, Republic of Moldova, Ukraine or finances the participation of judges from these six countries elsewhere.

<b>2015 – completed events since the last JCCJ meeting</b>	
25-26 June 2015	Batumi, Georgia – The Venice Commission co-organised together with the Constitutional Court of Georgia, the GIZ and Human Dynamics Consortium, the 5 <sup>th</sup> Black Sea International Conference on "Liberty and security: increasing the effectiveness of the constitutional complaint".
9-10 September 2015	Batumi, Georgia – The Venice Commission participated in the International Conference co-organised with the Constitutional Court of Georgia on the "Application of international treaties by Constitutional Courts and equivalent bodies: challenges to the dialogue".
17-18 September 2015	Dushanbe, Tajikistan – The Venice Commission participated in the international conference on "Constitutional Justice as a guarantee of the Supremacy of the Constitution"
24-25 September 2015	Chisinau, Republic of Moldova – The Venice Commission co-organised together with the Constitutional Court of the Republic Moldova, a Conference on the "Relations of the Constitutional Court with other public authorities".
2 October 2015	Baku, Azerbaijan – The Venice Commission co-organised together with the Constitutional Court of Azerbaijan, a multilateral conference on the "Protection of constitutional rights and freedoms by means of individual complaint".
16 October 2015	Pristina, Kosovo – The Venice Commission participated in the Opening of the judicial year of the Constitutional Court of Kosovo.
28-29 October 2015	Strasbourg, France – The Venice Commission organised a Conference of Central Asian constitutional control bodies on "The Role of the Constitutional Court in safeguarding the Supremacy of the Constitution"
10-12 November 2015	Taipei, Taiwan – A member of the Secretariat of the Venice Commission visited the Constitutional Court of Taiwan for discussions on the work of the Council of Europe and the World Conference on Constitutional Justice (WCCJ).
19-20 November 2015	St. Petersburg, Russian Federation – The Institute for Law and Public Policy, under the auspices of the Association of Lawyers of Russia and with the support of the Venice Commission, organised the Fifth All-Russian Moot Court Competition for the Russian law school students' teams called "Crystal Goddess of Justice".



<b>2016</b>	
25-26 April 2016	Ankara, Turkey – The Venice Commission participated in the Symposium on the occasion of the 54 <sup>th</sup> anniversary of the Constitutional Court of Turkey on “The Effects of Judgments concerning Constitutional Complaints”.
17 May 2016	Saint-Petersburg, Russian Federation – The President of the Venice Commission participated in the international conference in commemoration of the 25 <sup>th</sup> anniversary of the activity of the Constitutional Court of the Russian Federation on “Modern Constitutional Justice: Challenges and Prospects”
20 May 2016	Chisinau, Republic of Moldova – The Venice Commission participated in the Roundtable on “Constitutionality of Constitutional Amendments”.
26-27 May 2016	Riga, Latvia – Conference on "Judicial Activism of Constitutional Courts in a Democratic State" at the occasion of the 20 <sup>th</sup> anniversary of the Constitutional Court of Latvia.
30 May – 1 June 2016	Bucharest, Romania – The Venice Commission participated in the conference on “The role of Assistant-Magistrates in the jurisdiction of constitutional courts”, organised by the Constitutional Court of Romania.
<b>Upcoming</b>	
29 June – 1 July 2016	Chisinau, Republic of Moldova – The Venice Commission will participate in the 1 <sup>st</sup> Congress of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions.
9-12 September 2016	Batumi, Georgia – The Venice Commission co-organises the International Conference on “Constitutional Justice in Transitional Democracy: Success and Challenges of Constitutional Review in Georgia and Eastern Europe”, dedicated to the 20 <sup>th</sup> anniversary of the Constitutional Court of Georgia.
21-22 September 2016	Sofia, Bulgaria – International conference on “The Protection of Fundamental Citizens’ Rights and National Security in the Modern World. The Role of Constitutional Courts.”
7-8 October 2016	Kiev, Ukraine – Conference on the occasion of the 20 <sup>th</sup> anniversary of the Constitutional Court of Ukraine. This event is co-organised by the Constitutional Court and the Venice Commission on “Constitutional Control and the Processes of Democratic Transformation in Modern Society”
<b>2017</b>	
2-3 March 2017	Chisinau, Republic of Moldova – Conference in co-operation with the Constitutional Court of the Republic of Moldova on “Evolution of Constitutional Control in Europe: lessons learned and challenges”.
18-19 May 2017	Karlsruhe, Germany – 16 <sup>th</sup> meeting of the Joint Council on Constitutional Justice
between May and July 2017	Minsk, Belarus – International conference on research and practice on the role of Constitutional Courts in ensuring the Rule of Law.

## **10. Publication of the Bulletin on Constitutional Case-Law**

### **10.a Regular issues of the Bulletin**

Mr Dürr reminded the liaison officers about the guidelines for the preparation of contributions:

- The headnotes are the most important part of the *précis*; they should be abstract and contain the legal essence of the reasoning of the Constitutional Court; references to what the court held, e.g. “the court decided” should not appear here, nor should there

- be any references to article(s) of the law under examination;
- The keywords chain of Chapter 1 and 2.1.1 of the Systematic Thesaurus should be used sparingly;
  - The keywords mentioned under the Alphabetical Index should not be a repetition of the Systematic Thesaurus unless they qualify what is mentioned in the Systematic Thesaurus;
  - Citations / cross-references should appear as set out in the revised guidelines: the case number and date for references (i.e. the Court in question, if other than the contributing court) should be mentioned in full;
  - *Précis* should not exceed a total of 1200 words, headnotes, summary, supplementary information and cross-references included. In the future, the Secretariat will have to be more stringent on this point, as translation costs are high.

When important changes are made in the headnotes by proof-readers, the revised contribution is then sent to the liaison officer concerned for approval.

Mr Dürr also reminded liaison officers that full texts must be sent in Word and not in pdf format.

Further information on how to draft *précis* can be found in the Guidelines for the presentation of contributions to the Bulletin on Constitutional Case-Law and CODICES: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-JU\(2015\)007-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-JU(2015)007-e)

## 10.b Special Bulletins

Mr Dürr reminded the participants that the working document of the XVII<sup>th</sup> Congress of the CECC on "*The role of constitutional courts in the maintenance and application of constitutional principles*" will be published in 2017 in a special issue of the Bulletin on Constitutional Case-Law. Several courts had already identified up to 10 *précis*.

The Secretariat invited those courts that had not done so already, to send their selection of *précis* either by indicating the numbers of the selected *précis*, and – if they so wish – to modify them in order to highlight aspects that are more relevant to the publication, or by sending new *précis* that would be of particular interest to this Special Bulletin. Courts were invited to send their selection by the end of June 2016 and to maintain this deadline for new decisions or those to be modified, due to the fact that they needed to be translated.

## 11. CODICES database

Mr Dürr informed the participants that a study had been made to identify ways of setting up a completely new database. However, due to the fact that the available budget was insufficient to pay for a replacement, the existing CODICES database had to be kept and improved. In particular, the search form will be improved, *inter alia*, based on the model of the European Court of Human Rights database, HUDOC.

Mr Dürr further explained that technical problems had occurred in the production of the CODICES DVD with the Folio software and that stopping its production had been considered. However, at the request of ACCPUF, the DVD will be produced once again presenting the same data as on the web-site with the NXT software.

## 12. Updating and indexing of constitutions, laws and descriptions in CODICES

Participants were informed about the progress made in updating constitutions and laws on courts (see Status of Updates of constitutions and laws in CODICES (CDL-JU(2016)003).

Liaison officers recommended that a note mentioning that a "translation is underway" be posted

in CODICES, where constitutions or laws on courts had been modified, but the translation of the update was not yet available.

**13. Documentation Centre on Constitutional Justice / Library**

The Secretariat thanked the participating courts for their contributions to the Documentation Centre.

Participants were informed that due to the voluminous contributions received by the Secretariat and the limited space available to store them, part of the library had been relocated to the archives. The liaison officers can send their publications also in electronic form.

The list of documents is available at:

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

**14. Other business**

No other business was discussed.

**15. Date and place of the next meeting**

The Federal Constitutional Court of Germany will be hosting the 16<sup>th</sup> meeting of the Joint Council on Constitutional Justice in Karlsruhe, Germany, on 18-19 May 2017 (this was confirmed by Ms Margret Böckel, who apologised for not being able to come to the meeting).

**C. Mini conference on “Migration”**

The Co-Presidents of the Joint Council, Mr Tanchev and Ms van Roosmalen chaired the mini-conference. Ms Tanja Gerwien gave an opening presentation. The following papers were presented:

1. Ms Krisztina Kovacs, Counsellor at the Constitutional Court of Hungary, on “The Constitutional Court of Hungary’s case law on migration”;
2. Ms Ana Vilfan-Vosperek, Senior lawyer, Registry of the European Court of Human Rights, on “The European Court of Human Rights’ case law related to migration issues” (Ms Vilfan-Vosperek also presented, as a preview, the Court’s new video on asylum - [https://youtu.be/9HqF\\_ttSuH4](https://youtu.be/9HqF_ttSuH4));
3. Mr Cristián García Mechsner, Director of Studies at the Constitutional Court of Chile on “The Constitutional Court of Chile’s case law on migration”;
4. Ms Marjolein van Roosmalen, Legal adviser at the Council of State of the Netherlands, on “The Council of State’s case law on migration”;
5. Ms Tereza Skarkova, Analyst, Constitutional Court of the Czech Republic, on “Recent judgments by the Constitutional Court of the Czech Republic on migration/asylum issues”;
6. Mr Serhat Köksal, Rapporteur-Judge, Constitutional Court of Turkey, on the “Turkish Constitutional Court decisions on interim measure regarding expulsion procedures”.

The presentations and the discussions showed that national constitutional courts and the European Court of Human Rights had addressed various aspects of migration over the years, which is a wide-ranging topic, that includes questions such as asylum, deportation, shelter or freedom of movement. Many of the applicants were in vulnerable situations. Some courts had resorted to interim measures to prevent immediate deportation to places where the migrant’s life or physical integrity was in danger. Referendums on immigration were identified as a dangerous tool that could infringe human rights. For EU member States, recent migration movements had shown the limits of the Dublin II Regulation. Courts had to determine admissible distinctions between foreigners and nationals. In many cases, the constitutional basis for deciding rendering decisions were the principles of equality and non-discrimination, proportionality and human dignity.

All presentations made during this mini conference will be published in the proceedings of this event. The papers are also available as individual documents at:

<http://www.venice.coe.int/webforms/events/?id=2079>

**LIST OF PARTICIPANTS /  
LISTE DES PARTICIPANTS**

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**AZERBAIJAN / AZERBAÏDJAN**

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Ms Enita ENIKOVA, Secretary General, Constitutional Court, Sofia

**CHILE / CHILI**

Mr Cristián Andrés GARCÍA MECHSNER, Director de Estudios, Tribunal Constitucional, Santiago

**CROATIA / CROATIE**

Ms Mirjana STRESEC, Senior Adviser, Constitutional Court, Zagreb

**CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Ms Tereza SKARKOVA, Analyst, Constitutional Court, Brno

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Ms Kattri JAANIMÄGI, Adviser of the Constitutional Review Chamber, Supreme Court, Tartu

**FINLAND / FINLANDE**

Ms Tiina VÄISÄNEN, Referendary Counsellor, Supreme Court, Helsinki

**GEORGIA / GEORGIE**

Ms Irina KHAKHUTAISHVILI, Secretariat of the President, International Relations, Constitutional Court, Batumi

**HUNGARY / HONGRIE**

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