



Strasbourg 22 November 2013

CDL-OJ(2013)005ann
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

97th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 6 December 2013 (9.00 a.m.-6.00 p.m.) -
Saturday, 7 December 2013 (10.45 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

PLEASE NOTE THAT
ON SATURDAY 7 DECEMBER 2013
THE PLENARY SESSION WILL COMMENCE AT 10.45 a.m.
EXCEPT FOR THE MEMBERS OF THE ENLARGED BUREAU

Friday, 6 December 2013

9h00-10h45

*Opening session
Co-operation with Council of Europe organs
Elections
Follow up to earlier Venice Commission opinions
Discussion and adoption of opinions on individual countries*

1. Adoption of the Agenda**2. Communication by the President**

The President will present his recent activities (see document [CDL\(2013\)058](#)).

3. Communication by the Secretariat**4. Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as Chairs of the Sub-Commissions**

The terms of office of the President, the Vice-Presidents, the members of the Bureau as well as the Chairs of the Sub-Commissions expire. The Commission is invited to approve the proposal of the Bureau for a committee of wise persons who will advise on the candidates for election. The election itself will take place on Saturday morning.

5. Co-operation with the Committee of Ministers

Within the framework of its co-operation with the Committee of Ministers, the Commission will hold an exchange of views with Ambassador Ferenc Robák, Permanent Representative of Hungary to the Council of Europe and with Ambassador Luís Filipe Castro Mendes, Permanent Representative of Portugal to the Council of Europe.

6. Co-operation with the Congress of Local and Regional Authorities of the Council of Europe

The Commission is invited to hold an exchange of views with Mr Lars O. Molin, Chair of the Monitoring Committee of the Congress.

7. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

- Opinion on three Draft Constitutional Laws amending two Constitutional Laws amending the Constitution of Georgia ([CDL-AD\(2013\)029](#));
- Joint Interim Opinion on the Draft Law amending the Law on Non-commercial Organisations and other Legislative Acts of the Kyrgyz Republic ([CDL-AD\(2013\)030](#));
- Amicus Curiae Brief on crimes against humanity, for the Constitutional Court of Peru ([CDL-AD\(2011\)041](#));
- Joint Opinion on Draft Amendments to Legislation on the Election of People's Deputies of Ukraine ([CDL-AD\(2013\)026](#));

- Joint Opinion on the Draft Law on the Public Prosecutor's Office of Ukraine ([CDL-AD\(2013\)025](#)).

The draft opinions on Georgia and Ukraine (see items 14 and 8) are a follow-up to previous opinions adopted by the Commission on these countries.

8. Ukraine¹

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2013\)054](#)) on the draft Law on Amendments to the Constitution to strengthen the Independence of Judges of Ukraine ([CDL-REF\(2013\)050](#)) drawn up on the basis of comments by Mr Hamilton, Ms Suchocka, Mr Tanchev and Mr Tuori. See also the previous opinion adopted on this issue ([CDL-AD\(2013\)014](#)).

10h45-11h00	<i>Coffee break</i>
11h00-13h00	<i>Discussion and adoption of Studies and Reports</i> <i>Discussion and adoption of opinions on individual countries (Continued)</i>

9. Report on the lifting of Parliamentary Immunities

The Commission will be informed on the discussion which took place in the meeting of the Sub-Commission on Democratic Institutions (5 December 2013) on the draft report on the lifting of parliamentary immunities ([CDL\(2013\)059](#)) drawn up on the basis of comments by Mr Hamilton, Ms Palma, Mr Sejersted and Mr Sorensen, in co-operation with Mr Yves-Marie Doublet (GRECO expert).

10. Report on the misuse of administrative resources during electoral processes

The Commission is invited to examine, with a view to adoption, the draft report on the misuse of administrative resources during electoral processes ([CDL\(2013\)053](#)) drawn up on the basis of comments by Mr Gonzalez Oropeza, Mr Hirschfeldt, Mr Kask, and Mr Kalchenko (expert). The Council for Democratic Elections will examine this draft report at its meeting on 5 December 2013 with a view to its adoption.

11. Italy

The Commission is invited to hold an exchange of views with the representatives of Italy and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)055](#)) on the Italian legislation on defamation ([CDL-REF\(2013\)035](#) and [051](#)) drawn up on the basis of comments by Mr Clayton, Mr Grabenwarter and Ms Thorgeirsdottir. The Sub-Commission on Fundamental Rights will examine this draft opinion at its meeting on 5 December 2013.

13h00-14h30	<i>Lunch</i>
14h30-16h00	<i>Discussion and adoption of opinions on individual countries (Continued)</i>

12. Armenia

The Commission is invited to hold an exchange of views with Mr Hrair Tovmasyan, Minister of Justice of Armenia and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)057](#))

¹ This agenda item may be postponed to the March 2014 session.

on the draft law on making changes and additions to the Civil Code of Armenia (introducing compensation for non-pecuniary damage) ([CDL-REF\(2013\)049](#)) drawn up on the basis of comments by Mr Hoffmann-Riem, Mr Mihai and Mr van Dijk (expert).

Mr Harutyunyan will inform the Commission on recent constitutional developments in Armenia.

13. Bosnia and Herzegovina

The Commission will be informed on the progress of work on the draft opinion on the Revision of the Constitution of the Federation of Bosnia and Herzegovina.

In addition, the Commission will be informed on the request for an opinion on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

14. Georgia

The Commission is invited to hold an exchange of views with Mr Paata Zakareishvili, State Minister of Georgia for Reintegration, and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)056](#)) on the draft amendments to the Law of Georgia on Occupied Territories as well as other relevant legal acts ([CDL-REF\(2013\)052](#), [053](#), [054](#), [055](#) and [056](#)) drawn up on the basis of comments by Mr Aurescu and Mr Hamilton. See also the previous opinion adopted on this issue ([CDL-AD\(2009\)051](#)).

15. Russian Federation

The Commission will be informed on progress of work on the draft opinion on Federal law No. 7-FZ of January 12, 1996 on non-profit organisations of the Russian Federation, as amended on 11 February 2013 ([CDL-REF\(2013\)037](#)) as well as on the draft opinion on the Federal law on making amendments to the Criminal Code of the Russian Federation and Article 151 of the Code of Criminal Procedure of the Russian Federation adopted on 23 October 2012 ([CDL-REF\(2013\)036](#)).

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Discussion and adoption of opinions on individual countries (Continued)</i>
	<i>Report of the Sub-Commission on Latin America and its activities</i>
	<i>Constitutional Developments in Observer States</i>
	<i>Co-operation with other countries</i>
	<i>Information on constitutional developments in other countries</i>

16. Tajikistan

The Commission is invited to hold an exchange of views with the representative of Tajikistan and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)061](#)) on the Code of Judicial Ethics of Tajikistan ([CDL-REF\(2013\)048](#)) drawn up on the basis of comments by Mr Clayton, Mr Hirschfeldt and Mr Vardzelashvili.

In addition, the Commission will be informed on the Round Table on the Law on Mediation of Tajikistan which took place in Dushanbe on 19-20 November 2013.

17. Report of the Sub-Commission on Latin America and its activities

The Commission will be informed on the results of the International Congress on "the implementation of international human rights treaties in national legislation" as well as on the

meeting of the Sub-Commission on Latin America which took place in Mexico City on 23-25 October 2013 (see document [CDL-LA-PV\(2013\)001](#)).

18. Constitutional Developments in Observer States

Representatives of observer States are invited to inform the Commission on recent constitutional developments in their countries.

19. Co-operation with other countries

Albania

The Commission will be informed on the request for an opinion on reform of the judiciary in Albania as well as on the Conference on the 15th anniversary of the Constitution of Albania held in Tirana on 22 November 2013.

Bulgaria

The Commission will be informed on progress of work on the draft opinion on the revision of the Electoral Code of Bulgaria following the Rapporteurs' visit to Sofia on 13-14 November 2013.

Egypt

The Commission will be informed on Meetings with the Constitutional Committee of Egypt which took place in Cairo on 21-22 October 2013.

Jordan

Mr Taher Hikmat, President of the Constitutional Court of Jordan will inform the Commission on the setting up of the Constitutional Court and possible co-operation with the Commission in the field of constitutional justice.

Libya

The Commission is invited to hold an exchange of views with Mr Omar Abu Lifa, President of the Legal Committee of the General National Congress of Libya on the modalities of future co-operation with Libya.

Romania

Mr Augustin Zegrean, President of the Constitutional Court of Romania will inform the Commission on the recent decision of the Constitutional Court regarding the Referendum Law.

20. Information on constitutional developments in other countries

Kazakhstan

The Commission will be informed on recent constitutional developments in Kazakhstan.

Kyrgyzstan

Mr Mukambet Kasymaliev, President of the Constitutional Chamber of the Kyrgyz Republic will inform the Commission on recent constitutional developments in Kyrgyzstan.

19h15 Departure by bus from Venice

20h00 Dinner at Trattoria dall'Amelia, Mestre
<http://www.dallamelia.it/>

22h30 Return to Venice

Saturday, 7 December 2013

9h00-10h30	Meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly
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10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Co-operation with Council of Europe bodies (Continued)</i>
	<i>International Conference of Political Parties</i>
	<i>Elections (Continued)</i>
	<i>Report of the meeting of the Council for Democratic Elections</i>
	<i>Report of the meeting of the Scientific Council</i>
	<i>Report of the meeting of the Sub-Commission on Fundamental Rights</i>

21. Co-operation with the Parliamentary Assembly

The President of the Venice Commission and the President of the Parliamentary Assembly will inform the Commission on the results and conclusions of the meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly held on 7 December 2013.

The Commission is invited to hold an exchange of views with Mr Mevlüt Çavuşoğlu, Former President of the Parliamentary Assembly, and with Mr Christopher Chope, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, on co-operation with the Assembly.

The opinion on Italy (see item 11) falls into the framework of co-operation with the Parliamentary Assembly.

22. International Conference on “Political Parties – key factors in the political development of democratic societies” (Bucharest, 18-19 October 2013)

The Commission will be informed on the results and conclusions of the International Conference on “Political Parties – key factors in the political development of democratic societies” which took place in Bucharest on 18-19 October 2013.

4. Contd. Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as Chairs of the Sub-Commissions

The Commission is invited to elect its President, three Vice-Presidents and four members of the Bureau for a period of 2 years. The Commission is also invited to elect the Chairs of its Sub-Commissions for a period of 2 years.

23. Report of the meeting of the Council for Democratic Elections (5 December 2013)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 5 December 2013.

[Link to annotated agenda](#)

The draft report on the misuse of administrative resources during electoral processes is dealt with under item 10.

24. Report of the meeting of the Scientific Council (5 December 2013)

The President of the Scientific Council will inform the Commission on the results and conclusions of the meeting held on 5 December 2013.

25. Report of the meeting of the Sub-Commission on Fundamental Rights (5 December 2013)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 5 December 2013, in particular concerning the preparation of a study on Children's rights in Constitutions.

[Link to annotated agenda](#)

The draft opinion on the Italian legislation on defamation is dealt with under item 11.

12h45-13h00	<i>Closing session</i>
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26. Other business

27. Dates of the next sessions

The schedule of sessions for 2014 is confirmed as follows:

98 th Plenary Session	21-22 March 2014
99 th Plenary Session	20-21 June 2014
100 th Plenary Session	17-18 October 2014
101 st Plenary Session	12-13 December 2014

Sub-Commission meetings as well as the meetings of the Council for Democratic Elections will take place on the day before the Plenary Sessions.

[Link to the provisional list of participants](#)

[Link to list of meetings](#)

[Link to table plan](#)