



Strasbourg, 17 October 2016

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Or. Engl

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

**108<sup>th</sup> PLENARY SESSION**  
**(Venice, 14-15 October 2016)**

**SYNOPSIS**

## The Commission

- Adopted the *amicus curiae* brief for the Constitutional Court of **Albania** on the restitution of property;
- Endorsed the second preliminary joint opinion by the Venice Commission and the OSCE/ODIHR on the draft electoral code of **Armenia** as amended on 30 June 2016, previously endorsed by the Council for Democratic Elections on 13 October 2016;
- was informed by Ms Arpine Hovhannisyan, Minister of Justice of Armenia, on further developments with regard to the electoral code and on future co-operation;
- Heard an address by Mr Shahin Aliyev, Head of Department of Legislation and Legal Expertise, Office of the President of the Republic of **Azerbaijan**, and endorsed the preliminary opinion on the Referendum proposing Amendments to the Constitution of Azerbaijan; at the request of Mr Aliyev, the Commission further decided to publish the observations of the authorities of Azerbaijan;
- Adopted the *amicus curiae* brief for the Constitutional Court of **Bosnia and Herzegovina** on the mode of election of delegates in the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, previously examined by the Sub-Commission on Democratic Institutions on 13 October 2016;
- Endorsed the preliminary joint opinion by the Venice Commission and the OSCE/ODIHR on the introduction of amendments and changes to the Constitution of the **Kyrgyz Republic**;
- Adopted the opinion on the Act on the Constitutional Tribunal of **Poland**, previously examined by the Sub-Commission on Constitutional Justice on 13 October 2016;
- Adopted the joint opinion by the Venice Commission and the OSCE/ODIHR on the Electoral Code of “**the former Yugoslav Republic of Macedonia**” as amended on 9 November 2015, previously adopted by the Council for Democratic Elections on 13 October 2016;
- Held an exchange of views with Mr Mustafa Erol, Deputy Under-Secretary, Ministry of Justice of **Turkey**, and adopted the opinion on the suspension of Article 83 of the Constitution of Turkey (Parliamentary inviolability), previously examined by the Sub-Commission on Democratic Institutions on 13 October 2016;
- Was informed on the request by the Parliament Assembly for an opinion on the **emergency decrees of Turkey**, to be prepared for the Plenary Session of December 2016;
- Adopted the joint opinion by the Venice Commission, the Directorate of Human Rights (DGI) and the OSCE/ODIHR on Draft Law N° 3587 and Draft Law N° 3587-1 on guarantees for freedom of peaceful assembly in **Ukraine**;
- Adopted the **interpretative declaration** of the Code of good practice in electoral matters on the **publication of lists of voters having participated in elections**, previously adopted by the Council for Democratic Elections on 13 October 2016;
- Was informed on follow-up to: the **Rule of Law Checklist**; the Final Opinion on the revised draft constitutional amendments on the Judiciary (15 January 2016) of **Albania**; the *amicus curiae* Brief for the Constitutional Court of the Republic of **Moldova** on the Right of Recourse by the State against Judges; the Joint Opinion on the draft law on changes to the electoral code of the Republic of Moldova; the Opinion on the draft Act to amend and supplement the Constitution (in the field of the Judiciary) of the Republic of **Bulgaria**; the

*amicus curiae* Brief for the Constitutional Court of **Bosnia and Herzegovina** on the Compatibility with the non-Discrimination Principle of the Selection of the Republic Day of the Republika Srpska;

- Was informed of the decision by the Bureau to postpone examination of the draft opinion on amendments to the Organic law on the Constitutional Tribunal of **Spain** to a forthcoming session;
- Was informed on co-operation with **Japan** and with **Morocco**;
- Was informed on constitutional developments in **Chile**, **Greece** and the **United Kingdom**;
- Was informed on recent legislative reforms relating to the Supreme Tribunal of the Principality of **Monaco**;
- Was informed on the issues relating to the appointment of judges of the Constitutional Court of the **Slovak Republic**;
- Expressed concern about continuing **attacks on constitutional courts** and obstacles to their functioning;
- Endorsed the **compilation** of Venice Commission opinions and reports on **freedom of expression**;
- Heard an address by Mr Nils Muižnieks, Council of Europe **Commissioner for Human Rights**;
- Heard an address by Mr Michael O’Flaherty, **Director of the European Union Agency for Fundamental Rights**;
- Was informed on the results and conclusions of the meeting of the **Council for Democratic Elections** on 13 October 2016;
- Held an exchange of views with representatives of the **Committee of Ministers**, of the **Parliamentary Assembly**, of the **Congress of Local and Regional Authorities** and **Development Bank** of the Council of Europe;
- Reminded all members to provide the Secretariat with information on the legislation of their countries on the funding of associations, with special focus on foreign funding, before the end of October 2016;
- Confirmed the date of the **next Plenary Session** as follows: 9-10 December 2016 and fixed the dates for the 2017 sessions as follows: 10-11 March 2017; **16-17 June 2017**; 6-7 October 2017 and 8-9 December 2017.