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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

124th PLENARY SESSION

PARIS | Kudo (online)

8-9 October 2020

SYNOPSIS

Due to the Covid-19 pandemic, the Commission could not hold its 124th Plenary Session in Venice. The session was held online.

The Commission:

- held an exchange of views with Mr Archil Talakvadze, Chairman of the Parliament of **Georgia** and adopted the Opinion on the draft amendments to the organic Law on Common Courts of Georgia, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views with Mr Páll Thorhallsson, Director General at the Office of the Prime Minister of **Iceland**, and adopted the Opinion on four draft constitutional bills of Iceland 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, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views with Mr Mentor Borovci, Director of the Legal Office, Office of the Prime Minister of **Kosovo**, and adopted the Opinion on the draft Law on public gatherings of Kosovo, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views with Mr Edward Zammit Lewis, Minister for Justice, Equality and Governance of **Malta**, and adopted the Opinion on ten Acts and bills of Malta implementing the legislative proposals subject of Opinion CDL-AD(2020)006, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views Mr Shukhrat Bafayev, Chair of the Committee on Democratic Institutions, NGOs and Citizens' self-government bodies of the Oliy Majlis (Parliament) of **Uzbekistan** and adopted the joint Opinion by the Venice Commission and the OSCE/ODIHR on the draft Law on freedom of conscience and religious organisations of Uzbekistan, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views with Mr Hacı Ali Açıkgül, Head of Department of Human Rights, Ministry of Justice and adopted the joint Opinion by the Venice Commission and the Directorate General of Human Rights and Rule of Law on the July 2020 amendments to the 1969 Attorneyship Law of **Turkey**, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views with Mr Ruslan Stefanchuk, First Deputy Chairperson of the Verkhovna Rada of **Ukraine** and Mr Andrii Kostin, Chairperson of the Legal Policy Committee of the Verkhovna Rada and adopted the joint Opinion by the Venice Commission and the Directorate General of Human Rights and Rule of Law on draft Amendments to the Law 'On the Judiciary and the Status of Judges' and certain laws on the activities of the Supreme Court and Judicial Authorities of Ukraine, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Endorsed the urgent joint opinion by the Venice Commission and the OSCE/ODIHR on the draft Law no. 263 amending the Electoral Code, the Contravention Code and the Code of Audiovisual Media Services of the **Republic of Moldova**;
- Endorsed the urgent joint opinion by the Venice Commission and the OSCE/ODIHR on the draft law on elections of members of parliament and councillors of **Montenegro**;
- Endorsed the urgent joint opinion by the Venice Commission and the OSCE/ODIHR on draft Law 3612 of Ukraine on democracy through all-Ukraine referendum;

- Held an exchange of views with Ms Sophie in't Veld, Chair of the LIBE Committee, European Parliament and adopted, at the request of the European Parliament, the interim **Report on the measures taken in the EU member States as a result of the Covid-19 crisis and their impact on democracy, the Rule of Law and Fundamental Rights**, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Held an exchange of views with Dame Cheryl Gillan, Chairperson of the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe and adopted the **revised Guidelines on the holding of Referendums**, previously approved by the Council for Democratic Elections on 7 October 2020;
- Adopted the report on **election dispute resolution**, previously approved by the Council for Democratic Elections on 15 June 2020;
- Adopted the report on **criminal liability for peaceful calls for radical constitutional change from the standpoint of the European Convention on Human Rights**, previously examined through a written procedure replacing the meetings of the Sub-commissions;
- Asked its President to issue a **public statement** on its behalf in support of the **continuity of the Institution of the Human Rights Commissioner of Poland**, based on the "Venice Principles" on the Protection and Promotion of the Ombudsman institution;
- Took note of the Report on **electoral law and electoral administration in Europe**;
- Endorsed the **Compilation** of Venice Commission opinions and reports on **separation of powers**;
- Was informed on **follow up** to the:
 - Opinion on the powers of the President to set the dates of elections in **Albania**;
 - Opinion on the appointment of judges to the Constitutional Court of Albania;
 - Opinion on three legal questions in the context of draft constitutional amendments concerning the mandate of the judges of the Constitutional Court of **Armenia**;
 - Opinion on the Draft constitutional amendments relating to the electoral system, as adopted on 15 December 2017 at the second reading by the Parliament of Georgia;
 - Joint opinion of the Venice Commission and the OSCE/ODIHR on the amendments to some legislative acts related to sanctions for violation of electoral legislation of **Kyrgyzstan**;
 - Opinion on Article XXV of 4 April 2017 on the Amendment of Act CCIV of 2011 on National Tertiary Education of **Hungary**;
 - Opinion on draft amendments to the Constitution (as signed by the President of the **Russian Federation** on 14 March 2020) related to the execution in the Russian Federation of decisions by the European Court of Human Rights;
 - Opinion on the Federal Law on combating extremist activities in the Russian Federation;
 - *Amicus curiae brief* for the **European Court of Human Rights** in the case of **Mugemangango v. Belgium** on procedural safeguards which a State must ensure in procedures challenging the result of an election or the distribution of seats;
- Was informed on the results and conclusions of the online meeting of the Council for Democratic Elections held on 7 October 2020;
- Was informed of the online publication of the **Book "Venice Commission – Thirty-year quest for Democracy through Law"** on the occasion of the Commission's 30th anniversary;
- Decided, upon proposal by the Enlarged Bureau, to hold the **125th Plenary Session exclusively online**, due to the Covid-19 pandemic;

- Was informed of the dates of the next Plenary Sessions as follows:
 - 125th Plenary Session 11-12 December 2020 (**exclusively online**);
 - 126th Plenary Session 19-20 March 2021;
 - 127th Plenary Session 18-19 June 2021;
 - 128th Plenary Session 15-16 October 2021;
 - 129th Plenary Session 10-11 December 2021.