



Strasbourg, 2 July/juillet 2008

CDL-PV(2008)002*
Or. Engl./fr.

COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT
(COMMISSION DE VENISE)
EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

75e SESSION PLÉNIÈRE
75th PLENARY SESSION

(Venise, Scuola Grande di San Giovanni Evangelista)
vendredi, 13 juin 2008 (9h30) –
samedi, 14 juin 2008 (13h00)
(Venice, Scuola Grande di San Giovanni Evangelista)
Friday, 13 June (9.30 a.m) –
Saturday, 14 June 2008 (1.00 p.m.)

RAPPORT DE SESSION
SESSION REPORT

**This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

TABLE OF CONTENTS/TABLE DES MATIERES

1.	Adoption of the agenda.....	3
2.	Communication by the Secretariat.....	3
3.	Co-operation with the Committee of Ministers.....	3
4.	Co-operation with the Parliamentary Assembly.....	4
5.	Co-operation with the European Commission.....	5
6.	Follow-up to earlier Venice Commission's opinions.....	5
-	Opinion on the Draft Amendments to the Law on Freedom of Assembly of Azerbaijan.....	5
7.	Rapport des réunions du Conseil des élections démocratiques (15 mars 2008 et 12 juin 2008) ..	5
8.	Armenia.....	6
-	Joint opinion on the Draft Law amending and supplementing the law conducting Meetings, Assemblies, Rallies and Demonstrations of the Republic of Armenia	6
-	Opinion on the draft amendments to the Criminal Code of the Republic Armenia.....	7
9.	Azerbaijan.....	8
10.	Bosnia and Herzegovina.....	8
-	Opinion on the law on conflict of interest in governmental institutions of Bosnia and Herzegovina8	
-	Opinion on the draft amendments to the Constitution of Republika Srpska	9
-	Opinion on the amendments to the Electoral Law of Bosnia and Herzegovina	10
11.	Kyrgyzstan	10
12.	Moldova	11
-	Law on people holding double citizenship	12
13.	Montenegro.....	12
14.	Turkey	12
15.	Ukraine.....	13
16.	Co-operation with the OSCE Office for Democratic Institutions and Human Rights	14
17.	OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly	14
18.	Co-operation with the OSCE High Commissioner for National Minorities	15
19.	Dual Voting Rights for persons belonging to national minorities	15
20.	Other constitutional developments	16
-	Albania	16
-	France	16
-	Palestinian National Authority.....	16
-	Romania.....	16
21.	Other business	17
22.	Date of the next sessions and proposals for the dates of sessions in 2009.....	17
	LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS.....	18

1. Adoption of the agenda

The agenda was adopted without modification.

2. Communication by the Secretariat

Mr Buquicchio informed the Commission that the Committee of Ministers had approved the request by Tunisia to become a member of the Venice Commission and had granted special co-operation status to the Palestinian National Authority. Furthermore, he announced that he would accompany the President to Cairo on 24 June 2008 to sign an agreement on the co-operation between the Union of Arab Constitutional Courts and Councils and the Commission.

Finally, he informed the Commission that a request for leave to make written submissions had been filed with the Registry of the European Court of Human Rights in the cases *Sejjid and Finci v. Bosnia and Herzegovina* (27996/06 and 34836/06) and *Nadežda Bijelic, Svetlana Bijelic and Ljiljana Bijelic v. Montenegro and Serbia* (11890/05). The first case concerns the exclusion of certain citizens from running for office due to their ethnic origin. The second case raises the question of retroactive application of the European Convention on Human Rights in Montenegro.

3. Co-operation with the Committee of Ministers

The President informed that he had presented the Commission's annual report of activities for 2007 to the Committee of Ministers on 15 May 2008. He added that the Venice Commission was praised for the high quality of its work, its efficiency and was called one of the "crown jewels of the Council of Europe". The Committee of Ministers had assured its continued support and announced that it might ask more frequently for opinions in future.

He also informed the Commission about his meeting with the Secretary General to discuss the role and future of the Commission. The Secretary General had assured that he would always be open to the needs of the Venice Commission.

The President then addressed the Commission's financial situation. He noted that despite all efforts for cost-efficiency an increase in the Commission's budget would be necessary. This could be either achieved through increasing the Venice Commission's overall budget or through voluntary contributions.

Mr Jan Kubis, Minister of Foreign Affairs of the Slovak Republic, gave an overview of the Slovak Presidency of the Committee of Ministers. He explained that the first target had been to implement the action plan adopted at the Warsaw Summit. In addition, the Presidency had focused on three issues which could be summarised as follows: "The citizens of Europe", "Respect for the Council of Europe's core values" and "Bringing the Council of Europe closer to the people".

Mr Kubis emphasised that the Council of Europe needed to co-ordinate its activities with those of the other international organisations and the EU in order to avoid duplication. He called in particular for the implementation of the Memorandum of Understanding between the European Union and the Council of Europe. Mr Kubis considered in particular that the activities of the EU, the OSCE and the Council of Europe in election matters required improved co-ordination. In his opinion, more attention should be paid to the follow-up to elections and the implementation of recommendations.

Furthermore, Mr Kubis reported on the conference "The use of international instruments for protecting individual rights, freedoms and legitimate interests through national legislation and the right to legal defence in Belarus: challenges and outlook." This conference had been

organised in the framework of the Slovak Presidency by the Constitutional Court of Belarus, the Venice Commission and the Slovak Embassy in Minsk. Accession of Belarus to the Council of Europe had also been discussed during the conference. In this respect Mr Kubis stressed that concrete steps were required by the Belarusian authorities and that there would be no compromise of principles or values on the part of the Council of Europe.

Finally, Mr Kubis reported that he had sent a letter to the Foreign Ministers of the Council of Europe member States bringing to their attention the zero real-growth rule, the need for increased funds for certain bodies and services of the Council and the competition with other organisations. He had asked the Ministers for their ideas on the Council of Europe's priorities. A summary of the replies had been given to the Secretary General.

Ambassador Wendelin Ettmayer, Permanent Representative of Austria to the Council of Europe, affirmed the Committee of Ministers' high appreciation of the Commission, which offered help to implement the Council of Europe's core values in a concrete way. In respect of the Commission's financial situation he considered it easier to increase the budget through outside contributions and not through an increase of the overall budget of the Council of Europe.

Ambassador Borislav Maric, Permanent Representative of Bosnia and Herzegovina to the Council of Europe, expressed his Government's high appreciation for the Commission's work. He stressed that the authorities of Bosnia and Herzegovina on all levels welcome the Commission's work. He reported on the impending changes to the constitution which will bring it into line with the European level of human rights protection. He thanked the Commission for its work leading to the draft opinions to be examined during the plenary session.

Ms Rodica Postu, Deputy Permanent Representative of Moldova to the Council of Europe, expressed her Government's high appreciation of the Commission's work and its contribution to the implementation of European standards in Moldova. Against the background of the 2009 elections Ms Postu announced that the Moldovan authorities were going to request an opinion on electoral matters. This opinion should examine the existing practices in other States, in particular regarding restriction on multiple nationalities; it should further assess the new law on political parties and amendments to the Electoral Law.

4. Co-operation with the Parliamentary Assembly

Mr Christos Pourgourides, member of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly, gave the Commission an overview of the April session highlighting the visits of Ms Angela Merkel, the Federal Chancellor of Germany, Ms Yulia Tymoshenko, Prime Minister of Ukraine, Mr Jan Kubis, Minister of Foreign Affairs of the Slovak Republic and Mr Bernard Kouchner, Minister of Foreign and European Affairs of the French Republic. He furthermore mentioned the reports on the Belarusian criminal justice system, the elections in Armenia and the report by Mr Dick Marty on secret detentions and illegal renditions. Moreover, he reported on a meeting between the Committee on Legal Affairs and Human Rights and the Russian delegation which discussed the state of ratification of Protocol No. 14 to the European Convention on Human Rights. In addition, he informed the Commission on the fact finding mission of Mr Andreas Gross, member of the Parliamentary Assembly, to the Turkish islands Gökçeada/Imbros and Bozcaada/Tenedos to learn more about the situation of the Greek minority.

Mr Pourgourides then continued with a brief overview of the up-coming Parliamentary Assembly session dedicated *inter alia* to the state of democracy in Europe. He drew attention to a debate on the up-coming elections in Azerbaijan and the authorities' efforts to meet basic democratic standards.

He concluded his presentation by declaring that the Parliamentary Assembly's support of the Commission's request for additional funding.

5. Co-operation with the European Commission

Ms Luisella Pavan Woolfe, representative of the European Commission to the Council of Europe, stressed that the development of co-operation between the European Commission and the Venice Commission had been reinforced by the Memorandum of Understanding between the Council of Europe and the European Union. She emphasised the Venice Commission's crucial role in the democratic development of emerging democracies, in particular as an instrument in the process of pre-accession and the European Commission's neighbourhood policy. Ms Pavan Woolfe also commented favourably on the Venice Commission's work outside Europe and mentioned Kazakhstan and Kyrgyzstan as examples.

An exchange of letters on enhancing the co-operation between the European Commission and the Venice Commission took place between Ms Pavan Woolfe and the President.

Mr Luc van den Brande, President of the Committee of the Regions of the European Union and member of the Parliamentary Assembly, pointed out that the Committee of the Regions relied on the Venice Commission's work. He stressed in particular its expertise in human rights protection at all levels. He recalled that the Lisbon Treaty put emphasis on democracy at the local and regional level.

6. Follow-up to earlier Venice Commission's opinions

- *Opinion on the Draft Amendments to the Law on Freedom of Assembly of Azerbaijan*

Ms Flanagan recalled that in December 2007 the Commission adopted an opinion on draft amendments to the law on freedom of assembly in Azerbaijan which had been prepared by the presidential administration in consultation with the Commission, the OSCE mission in Azerbaijan and the ODIHR. The opinion praised in particular the introduction in the law of the principles of legality and proportionality and need for legitimate aims, the abolition of blanket restrictions and the recognition of spontaneous assemblies. The Commission recommended limiting the possibility in article 9 to restrict demonstrations around buildings of executive power to "central" ones. On 30 May these amendments were adopted by the Azerbaijani parliament and are now in force. The adoption of the amendments had to be welcomed, as they are in line with European standards despite the fact that the outstanding recommendations of the Commission in its December opinion were not followed. Due application of the law will be crucial to the exercise of freedom of assembly in Azerbaijan and certainly represents the next big challenge. Training will be necessary in order for the administrative authorities, the judges and the police to comprehend and make possible the radical change - from an unduly restrictive to a permissive approach - which the amendments have brought about. Such training is urgent, in view in particular of the upcoming electoral campaign.

7. Rapport des réunions du Conseil des élections démocratiques (15 mars 2008 et 12 juin 2008)

M. van den Brande informe la Commission des résultats et des conclusions des réunions du Conseil des élections démocratiques des 15 mars et 12 juin 2008.

Le 15 mars 2008, le Conseil des élections démocratiques a traité notamment des derniers développements de la coopération en matière électorale avec l'Arménie et la Géorgie, ainsi que du projet relatif au vote électronique en Belgique.

Lors des deux réunions, le Conseil a travaillé sur le Code de bonne conduite en matière de partis politiques. Celui-ci traitera notamment de la définition des partis politiques, de leur réglementation juridique, de leur organisation interne et de leurs fonctions. Sans vouloir être coercitif, le Code de bonne conduite en matière de partis politiques vise à définir des normes minimales. MM. Closa Montero et Colliard, rapporteurs, rappellent que les travaux de la Commission en la matière sont fondés sur la recommandation 1546 (2007) de l'Assemblée parlementaire. L'assemblée a demandé à une majorité confortable à la Commission de Venise de préparer un code qui mette l'accent sur la réglementation interne des parties. Le Code de bonne conduite en matière de partis politiques servira de base pour les avis de la Commission dans ce domaine. Les membres sont invités à faire des commentaires d'ici au 15 juillet.

Le 12 juin 2008, le Conseil a adopté les avis conjoints avec l'OSCE/BIDDH sur les amendements au code électoral de l'Azerbaïdjan et à la loi électorale de Bosnie-Herzégovine (voir les points 10 et 11 *infra*). Une première discussion a eu lieu sur les projets de lois relatifs au référendum en Ukraine.

L'Assemblée parlementaire a demandé à la Commission de Venise deux études relatives au statut des observateurs d'élections et à la représentation des femmes en politique.

Enfin, lors de deux réunions conjointes avec la sous-commission sur la protection des minorités (les 15 mars et 12 juin), le Conseil a terminé l'examen de la question du double vote des personnes appartenant à des minorités nationales, et a conclu que celui-ci peut être admis dans des circonstances exceptionnelles, dans le respect du principe de la proportionnalité, pour des minorités peu nombreuses et de manière transitoire (voir point 20 *infra*).

M. Manuel González Oropeza, magistrat du Tribunal électoral du pouvoir judiciaire de la Fédération mexicaine, présente les amendements constitutionnels intervenus dans son pays en novembre 2007. Ces amendements concernent en premier lieu la réglementation de la campagne électorale (notamment la publicité dans les médias) ; le renforcement des partis politiques (seuls habilités à présenter des candidats ; la question est toutefois pendante devant la Cour interaméricaine des droits de l'homme) ; le Tribunal électoral devient l'équivalent d'une Cour suprême en matière électorale, et peut exercer un contrôle juridictionnel des lois électorales. L'annulation des élections n'est possible que si la loi le prévoit, mais la question reste ouverte de savoir si la Constitution elle-même ne peut pas être considérée comme une loi de ce point de vue.

8. Armenia

- *Joint opinion on the Draft Law amending and supplementing the law conducting Meetings, Assemblies, Rallies and Demonstrations of the Republic of Armenia*

Ms Flanagan recalled that in 2005 the Venice Commission had assisted the Armenian authorities in preparing a law on conducting meetings ("law on rallies") which met the European standards. In February/March 2008, however, in the aftermath of the new presidential elections, demonstrations of the opposition had taken place in Yerevan and violence had escalated which led to the death of 10 people. A state of emergency had been declared in Armenia, and shortly before its end, the law on rallies had been amended in a manner which *de facto* prolonged the state of emergency.

The Venice Commission and ODIHR prepared an assessment of these amendments and had come to the conclusion that they represented an undue limitation of the freedom of assembly. In particular, a provision allowed the authorities to suspend the right to assemble when a demonstration had degenerated into violence until such time as the responsible persons are identified and tried. This provision, which exempted the authorities from the need to carry out an analysis of each individual demonstration, was against standards. In addition, the March

amendments appeared to limit in a substantial manner the right to a remedy in case demonstrations would be prohibited on the basis of information by the police and the secret services.

This opinion, which the Commission endorsed (CDL-AD(2008)018), was sent to the Armenian National Assembly, which invited the experts to meet with the Armenian authorities in Yerevan on 25-26 April 2008. At this meeting, certain principles were agreed upon by the participants as regards the amendments needed in order to bring the law back into compliance with European and international standards.

Draft amendments were subsequently prepared and sent to the Commission and ODIHR for assessment. These amendments, in the opinion of the Commission and ODIHR, were generally satisfactory. The provision on general suspension of assemblies had been repealed. Spontaneous assemblies were now specifically permitted with no need for prior notification (although they could only last six hours), and communication among participants of a spontaneous event in order to gather was permitted after the event which had prompted the spontaneous assembly. As concerned remedies, it was now foreseen that the information submitted by the police or secret services be justified and that it had to be in writing and made available to the organisers, who could challenge it before a court. The timeframe for notification of an event had been extended from 3 to 5 days, but this was not against standards.

In conclusion, these amendments, which were adopted by the NA on 11 June, rendered the Armenian law on rallies compatible with European and international standards. Once again, however, this positive assessment was only an abstract one, and due attention needed to be paid by the Council of Europe to the interpretation and implementation of the law. In addition, training for the police, the administrations and the judges was essential.

The Commission endorsed the joint opinion on the Draft Law amending and supplementing the law conducting Meetings, Assemblies, Rallies and Demonstrations of the Republic of Armenia (CDL-AD(2008)020).

- *Opinion on the draft amendments to the Criminal Code of the Republic Armenia*

Mr Hamilton explained that the draft amendments under consideration had been prepared after the events of 1 March, and needed to be analysed in the context of those events and of the amendments to the law on rallies.

As concerned the provision on mass disorder, if it was meant to cover assemblies which explicitly advocated violence, it was not objectable. If however, as was likely in the light of the current interpretation of existing criminal provisions, it was meant to cover demonstrations which had started as peaceful but had subsequently got out of hand, it was unacceptable in that it punished a behaviour (the organisation of a peaceful demonstration) which represented indeed the legitimate exercise of a fundamental right.

As concerned the new provision on public calls for officials not to perform their duties, it risked being interpreted in too broad a manner, whereas only advocacy of criminal behaviour by the police could legitimately be sanctioned.

In conclusion, the draft amendments under consideration raised serious concerns, and in the Commission's opinion, they were to be repealed or not adopted.

Mr Harutyunian explained that the National Assembly was awaiting international expertise before proceeding any further with these draft amendments. A case raising similar issues was currently pending before the Constitutional Court.

The Commission adopted the opinion on the draft amendments to the criminal code of the Republic of Armenia (CDL-AD(2008)017).

9. Azerbaijan

Mr Shahin Aliyev, Head of the Legislation department of the Presidential administration of Azerbaijan informed the Commission that the draft law on changes to the Election Code of Azerbaijan had been adopted by the Milli Majlis on 2 June 2008. He praised the rapporteurs of the Venice Commission and OSCE/ODIHR for drafting their opinion on the initial draft and for completing it in time for the session with comments on the adopted Law. Mr Aliyev pointed out that the adopted law included some new provisions aimed at reducing the time-frame for the electoral campaign that had not been discussed during the exchanges of views between the authorities and experts of the Venice Commission and OSCE/ODIHR in 2007 and in February 2008. However, he was of the opinion that the reduced time-frame of the electoral campaign corresponded to the existing practice in a number of Council of Europe Member States and was not contrary to European electoral standards. Mr Aliyev also explained that the new rules on organisation of exit polls were not aimed at introducing additional restrictions. The aim of the new article was to ask the planning organisations to conduct exit polls to notify their intentions to the Central Electoral Commission. It was also explained that the reference to the Civil code articles on legal representation was aimed at facilitating procedure – for some actions there was no need to have powers certified by a notary (paragraph 41 of the opinion on the amendments to the Election Code of Azerbaijan, doc. CDL-EL (2008) 012).

Messrs Peter Paczolay and Aivars Endzins presented the opinion on the amendments to the Election Code of Azerbaijan (CDL-EL (2008) 012). They informed the Commission that the new law took into account some of the previous recommendations of the Venice Commission and OSCE/ODIHR. However, such issues as changes in the composition of electoral commissions at all levels were not dealt with by the adopted law. Mr Paczolay expressed his concern with some of the additions to the law which had not been part of the discussions between the authorities and the rapporteurs. He mentioned in particular the reduction of time for the electoral campaign. Although the new rules were not *per se* contrary to European standards, such important changes only a few months ahead of the presidential election in Azerbaijan could seriously compromise the campaign.

The Commission adopted the opinion on the amendments to the Election Code of Azerbaijan (doc. CDL-AD(2008)011), requested the Secretariat to make some adjustments to the text on the basis of the discussions during the plenary and to forward it to the authorities.

10. Bosnia and Herzegovina

- *Opinion on the law on conflict of interest in governmental institutions of Bosnia and Herzegovina*

Mr Tuori explained that, after the Commission had received this request from the Central Election Commission and the OSCE mission to BiH, he travelled to Sarajevo in April where he met the Inter-Agency Working Group, the Central Election Commission, the OSCE and OHR.

The latter had also made some remarks on the text of the draft opinion which would be taken into consideration. This law raised a certain number of technical issues, such as the exceptionally broad range of incompatibilities, the automatic imposition of the very serious sanction of a four-year ban irrespective of the gravity of the violation, the absence of a mechanism of effective review of the declarations of assets, the absence of provisions on pantouflage and the contradictions in the definition of "gifts". The law also raised the issue of the shared competences between the State and the entities. The law foresaw that the entities could adopt their own legislation on Col within sixty days, failing which the law of the State would be applicable; the local language version of the law, however, provided that the state law would be applied "by the entities", which meant that the CEC could not be competent to oversee implementation of the law in the entities, as had been done instead by the CEC between 2003 and 2008 (before the difference in the English and local language versions of the law was spotted). Mr Tuori explained that there was no basis for State competence in the Constitution of BiH; as a consequence, this competence could only be voluntarily transferred to the state by the entities. As there did not appear to be such political will, two options were possible: that each entity would adopt its law on Col and entrust the implementation of the law to the CEC, or that they entrust the implementation to the entity level. There were strong arguments in favour of the first option, and if nevertheless the second were to be chosen, it would be appropriate to provide an appeal mechanism to the CEC in order to ensure that there is consistency throughout the country. Mr Tuori underlined that it was at any rate essential that the competent body for judicial review of any decision on Col be the State Court of BiH.

Ambassador Davidson, Head of the OSCE Mission to BiH, recalled some of the historical reasons for the current form of regulation of Col in Bosnia. He underlined that the voluntary transfer of competence from the entities to the State did not appear possible in the current political scenario. Several problems however needed to be addressed as a matter of urgency: the strengthening of the enforcement capacity of the CEC, whose credibility had been undermined by the recent refusal by parliament to uphold one of its decisions, and the application of Col at entity level, as since January 2008 the law of the state was no longer applied in the entities. The BiH parliament had very recently failed to adopt necessary amendments to the law on Col, so that the issue of updating and improving the law remained outstanding. Ambassador Davidson therefore welcomed the availability of the Commission to assist in this matter.

The Commission adopted the opinion on the law on conflict of interest in governmental institutions of BiH (CDL-AD(2008)014).

- *Opinion on the draft amendments to the Constitution of Republika Srpska*

Mr Scholsem introduced the draft Opinion on behalf of the rapporteurs. The amendments addressed the provisions on human rights, local self-government as well as some institutional provisions in the Constitution of this Entity. As regards the amendments concerning human rights, it should first of all be taken into account that the Constitution of Bosnia and Herzegovina, which is particularly generous in this respect by *inter alia* giving priority over all other law to the European Convention of Human Rights, is applicable. In 1996, following a suggestion by the Venice Commission, some general provisions were introduced into the Constitution of Republika Srpska to ensure its conformity with the State Constitution. The aim of the present amendments was to partly harmonise the individual human rights provisions with the European Convention of Human Rights. This attempt at partial harmonisation created, however, more problems than it solved. The provisions on local self-government were generally positive and in line with the European Charter. The institutional amendments contained a provision making the transfer of powers from the Entities to the State more difficult. This was

undesirable since, as the Venice Commission had previously noted, the responsibilities of the State level are insufficient.

Mr Sadikovic agreed with the draft Opinion and expressed the conviction that the signing of the Stabilisation and Association Agreement with the European Union would lead to an improvement in the constitutional situation.

In reply to a comment Mr Scholsem clarified that the preferred option for the human rights provisions was not simply to delete them but to replace the individual provisions by a general clause affirming the applicability of the respective provisions of the State Constitution and thereby the ECHR.

The Commission adopted the Opinion on the draft amendments to the Constitution of Republika Srpska as it appears in document CDL-AD(2008)016.

- *Opinion on the amendments to the Electoral Law of Bosnia and Herzegovina*

Mr Angel Sanchez Navarro informed the Commission that the joint Venice Commission-OSCE/ODIHR opinion concerned the law on amendments to the electoral law of Bosnia and Herzegovina adopted in March 2008. He gave a positive general assessment of the adopted law. However, Mr Sanchez Navarro pointed to some remaining issues in the law mostly due to the delay in Constitutional reform. The remaining problems concerned such issues as, for example, the limitations to the right to be elected and some contradictions between systems used for the election of representatives of different levels and the absence of public hearing in the complaints and appeals procedure.

Mr Arnautovic, Chairman of the Central Electoral Commission of Bosnia and Herzegovina informed the Commission about the preparation of the forthcoming local elections in his country. In his opinion the Constitution of Bosnia and Herzegovina and some of the provisions of the electoral law were still discriminatory and contrary to the European Convention on Human Rights, especially in respect to the right to be elected. Mr Arnautovic expressed the hope that the situation will change and that the international community would help Bosnia and Herzegovina to make the necessary reforms.

The Commission adopted the joint Venice Commission-OSCE/ODIHR opinion on the law on amendments to the electoral law of Bosnia and Herzegovina adopted in March 2008 (CDL-AD(2008) 012).

11. Kyrgyzstan

Mr Paczolay informed the Commission that the proposed amendments to the laws on the Constitutional Court and on Constitutional Proceedings were not a comprehensive revision of the laws in question, but merely partial adjustments. He explained that the amendments referred, *inter alia*, to the election of judges, including the appointment of the president and deputy president of the Constitutional Court. According to the new procedure, the President of Kyrgyzstan now appoints them from among the judges of the Court, with the agreement of the *Jogorku Kenesh* (parliament) of Kyrgyzstan for a term of five years. Constitutional judges were elected by the *Jogorku Kenesh* with a majority vote of all representatives for a fifteen year term, upon the proposal of the head of state. In addition, the laws referred to the fact that the regulation of the status of judges was dealt with in a separate law.

The amendments also referred to the competences of the Constitutional Court, which were slightly reduced. Mr Paczolay explained that the competence of the Constitutional Court to decide on constitutional amendments raised concern. In this respect, he said that it was important to underline that constitutional courts were institutions that provide a final interpretation and not a final decision on the Constitution. Mr Paczolay welcomed the extension of the list of authorities that may now apply to the Constitutional Court, e.g. the Ombudsman and the Central Electoral Commission.

Messrs Paczolay and Gstöhl agreed that the amendments regarding the competences and procedures of the Constitutional Court were in line with European standards and that they were capable of improving the functioning of the Constitutional Court. They underlined, however, that for a better understanding of the amendments, the new Law 'On the Status of Judges' would have to be taken into account.

Mr Gstöhl informed the Venice Commission about the Conference on the "*Supremacy of law and the independence of the judiciary – guarantees for the stability of democratic institutions*", which took place in Bishkek on 27-28 May 2008. This event gathered together 70 participants, among them the Head of the Presidential Administration, Chairperson and judges from the Constitutional Court of Kyrgyzstan as well as chairpersons and judges from the Supreme Court, local and regional courts, members of Parliament (*Jogorku Kenesh*), the Ombudsman of Kyrgyzstan, representatives of the EC, Soros Foundation, Freedom House, the OSCE/ODIHR and the media. The issue of checks and balances between the three branches of government were discussed and the problems faced by courts in Kyrgyzstan, notably the various threats to the independence of the judiciary, the lack of budgets for courts in general, judges' salaries and the need for the training of judges.

The Commission also noted that a further opinion will be prepared on the draft laws on Judicial Self-government, the Status of Judges, the Jury and on the amendments to the Law on the Supreme Court for the October Session. The request for these opinions had been made by the Constitutional Court.

The Commission requested the Secretariat and the rapporteurs to prepare a draft opinion on the draft Law amending and supplementing the Law on constitutional proceedings in Kyrgyzstan and on the draft Law amending and supplementing the Law on the Constitutional Court of Kyrgyzstan for its October Session.

12. Moldova

The Venice Commission held an exchange of views with Mr Igor Serbinov, Deputy Prosecutor General of Moldova on the draft Opinion (CDL(2008)061) on the draft Law on the Public Prosecutor's Service (CDL(2008)055) prepared on the basis of comments by Messrs James Hamilton (CDL(2008)056) and Carlos Sousa Mendes, expert for the Co-operation Directorate of the Directorate General of Human Rights and Legal Affairs of the Council of Europe (CDL(2008)057).

Mr Hamilton informed the Commission that work on the draft Law on the Public Prosecutor's Service had been on-going for over a year. He explained that the draft Law itself was clear and comprehensive and now reflected the Constitution more closely. He went on to explain that a major remaining problem was the need to clarify the extent to which the individual prosecutor was autonomous in the decision-making process or whether he or she was subject to hierarchical control. Furthermore, the criteria and procedure to deal with the removal and

dismissal of prosecutors needed to be more clearly defined (see also current case in front of ECtHR: Victor Savitchi v. Moldova, Application no. 81/04, judgment, 17 June 2008).

Mr Hamilton said that the text was a good basis and that it was now a question of whether there was sufficient political will to continue with the reform.

Mr Serbinov explained that the purpose behind the reform was to create a legislative platform for an efficient mechanism for the Prosecutor's office that would be in line with international standards and reflect the current reality in Moldova. The draft Law gets rid of several areas that should not have been within the remit of the Prosecutor's office, but were a part of it for historical reasons. The goal was to identify ways of moving the reform forward that are in line with the current Constitution, since amending the latter is a complicated and long process.

The Commission adopted the Opinion on the draft Law on the Public Prosecutor's Service (CDL-AD(2008)019).

- *Law on people holding double citizenship*

Mr Nick informed the Commission that he had participated, together with Mr Schaerer, expert of the Directorate General of Human Rights and Legal Affairs, and Mr Markert, in an exchange of views with the Legal Affairs Committee of the Moldovan parliament in Chisinau on 2 April on the draft law on the rights of people holding double citizenship. The original draft of the law prevented double nationals from entering the civil service or holding elected office. The law as adopted was less restrictive but still not in compliance with the recommendations by the experts. In particular, it obliged double nationals elected to parliament to relinquish their second citizenship.

13. Montenegro

The examination of the draft Law on the Constitutional Court of Montenegro was postponed until the Commission's October 2008 Plenary Session, in order to take into account the results of the rapporteurs' visit to that country on 16-17 June 2008.

14. Turkey

Mr Özbudun informed the Commission about recent constitutional developments in Turkey. His presentation focused on two cases examined by the Constitutional Court of Turkey. Mr Özbudun explained that the Constitutional Court had already adopted a decision on the first case concerning constitutional amendments to articles 10 on equality and 42 on limitations to the right to education. The case originated in a change giving the possibility to female university students to wear a headscarf. The Constitutional Court declared the reform contrary to article 2 of the constitution arguing that this measure was against the principle of secularism. Mr Özbudun was of the opinion that the Court overstepped the powers which were granted to it by article 148 of the Turkish Constitution. Another issue of concern was the very broad scope of the articles which could not be amended according to article 4 of the Constitution. These articles contained broad principles relevant for most constitutional issues. The Court had the tendency to interpret those principles in a very specific manner and to consider not only the principles as such but also the specific interpretation as unamendable.

The second case, concerning the possible dissolution of the AK Party, was still to be decided (as was the case on the request for the dissolution of a Kurdish party). A main problem with the case is the fact that the AK is the ruling party which won the last elections in a democratic way. Once again, the argument given concerned the "actions of the party and its members aimed

against the secular nature of the Turkish Republic". Mr Özbudun was of the opinion that this type of reasoning is against democratic principles. He expressed the hope that the existing restrictive provisions concerning, in particular, the activities of political parties would be revised using the criteria described in the Venice Commission documents on this subject.

Mr Van den Brande informed the Commission that the Parliamentary Assembly of the Council of Europe was following the recent developments in Turkey and was concerned by the on-going political crisis. He made reference to the on-going work of the Commission on the Code of good practice for political parties. Mr Van den Brande considered that one of the tasks of political parties was to seek changes to the existing situation and legal framework and he expressed his opinion that with the exception of provisions on fundamental human rights other articles of the constitution could be subject to changes. He suggested that if the constitutional crisis continued, the Assembly might consider the possibility of re-opening the monitoring procedure for Turkey.

15. Ukraine

Mr Tuori informed the Commission that he had, together with Ms Suchocka and Messrs Paczolay and Markert, visited Ukraine on 29 to 30 May for an exchange of views with the working party of the National Constitutional Council established by the President. The topic of the discussion was the concept paper which was being developed by this Council. In addition, the delegation had met Deputy Prime Minister Nemyria and a former Minister of Justice from the Party of Regions, Mr Lavrynovych.

Introducing the draft Opinion on behalf of the rapporteurs, he recalled that the Monitoring Committee of PACE had asked the Commission to give an Opinion on the so-called Shapoval draft for a new Constitution. This draft had no official status but was part of the current discussion on constitutional reform. Many of the issues arising with respect to it were similar to the issues discussed with the National Constitutional Council. While it was a draft for a new Constitution, it introduced only fairly small changes even to Chapters IV-VI of the Constitution, where there was a clear need for reform. It thus did not solve the main problem of dual executive power and ensure coordination between the roles of the President and government. A number of the solutions proposed were not satisfactory, in particular regarding the dissolution of parliament, the role of the National Security and Defence Council and on the appointment of an interim government by the President if parliament failed to elect the proposed candidate for Prime Minister. The necessary changes could be made through amendments to the present Constitution and this approach would also have the advantage of being able to focus on the most urgent issues.

Mr Bartole added that the Chapter on the territorial structure contained substantive changes, reducing the autonomy of Crimea and the role of local self-government.

Ms Severinsen, adviser to the Prime Minister of Ukraine, welcomed the draft Opinion. The draft Opinion showed that it was not a good idea to aim at an entirely new Constitution. In addition to the Constitution, the issue of the electoral system had to be addressed as a matter of urgency.

Ms Stavniychuk, Secretary of the National Constitutional Council, welcomed the constructive discussion during the visit of the delegation to Kyiv. According to her the Council would take the Commission's recommendations into account when preparing a more detailed proposal. Constitutional reform was linked to other reforms such as electoral reform and to the preparation of a new referendum law, in which the Venice Commission was also involved. The constructive partnership with the Venice Commission showed the moderate approach of President Yushchenko.

In the ensuing discussion it was underlined that, if the approach of adopting an entirely new Constitution was chosen, the provisions on constitutional amendments of the existing Constitution still had to be respected. Moreover, the notion of rule of law seemed preferable to the notion of *Rechtsstaat* since the latter was often misunderstood as being limited to respect for the statutes in force.

The Commission adopted, with some amendments, the Opinion as it appears in document CDL-AD(2008)015.

16. Co-operation with the OSCE Office for Democratic Institutions and Human Rights

Ambassador Strohal from Austria who had been the Director of ODIHR since March 2003 was about to terminate" his mandate. He informed the Commission that he had witnessed and fostered a growing co-operation between ODIHR and the Venice Commission, which had led to bringing the "law in the books" to the law in practice. The Venice Commission and ODIHR had carried out numerous joint assessments not only in the electoral field but also in the fields of freedom of assembly and freedom of religion. This co-operation was in many ways exemplary: two very different institutions had developed constructive synergies and had had a concrete, tangible impact in several countries. In his view, there was no duplication of labour, as the respective tasks were clear and uncontroversial. On the contrary, the importance for the whole international community to speak with one voice had to be underlined.

Follow-up to the joint work of ODIHR and the Venice Commission had been more a success than it may have appeared, despite clearly depending on the willingness of the national authorities concerned. In the future, co-operation between ODIHR and the Venice Commission should in his view focus on two main areas: legislation pertaining to political parties and a long-term assessment of the legislative process as such, including the manner in which laws are implemented.

Ambassador Strohal thanked the Venice Commission, and in particular its Secretary General, Mr Gianni Buquicchio, for the excellent co-operation, and expressed the wish that it be pursued with his successor, Ambassador Lenarcic.

17. OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly

Mr Neil Jarman, Chairman of the OSCE/ODIHR Panel on freedom of assembly, presented the Guidelines on Freedom of Peaceful Assembly, which the Venice Commission was called upon to endorse. The need for such guidelines, he explained, had arisen after ODIHR had increasingly been asked to provide assessments of laws in this field. Initially conceived as guidelines to be addressed to law-makers, they were then broadened to address all stakeholders. After a first draft, on which the Venice Commission provided advice in 2005, a broad consultation with civil society and police authorities had been carried out. The guidelines were finalised and published in March 2007. They set out guiding principles, and also contained interpretative notes citing the case-law of the European Court of Human Rights, examples of laws and good practices.

ODIHR and the Venice Commission had been increasingly working together on these assessments, and these guidelines had proved useful and were indeed referred to in many joint opinions. The guidelines were designed as a living instrument, which would be updated regularly. The ODIHR Panel of experts which had been set up to carry out the assessments on the basis of the guidelines met annually.

Ms Haller acknowledged the value of these guidelines and supported their endorsement by the Venice Commission. She nevertheless drew the Venice Commission's attention to the need to make a clear distinction between hard law and soft law, in order to preserve the democratic participation in the creation of standards.

The Commission endorsed the Guidelines on Freedom of Peaceful Assembly (CDL(2008)062).

18. Co-operation with the OSCE High Commissioner for National Minorities

Mr Knut Vollebaek, OSCE High Commissioner on National Minorities, expressed his satisfaction of the fruitful co-operation which had existed for several years between his institution and the Venice Commission and had notably resulted in an important report on Non-citizens and minority rights and in another report due to be adopted at this very session on Dual Voting rights for persons belonging to national minorities. The Venice Commission's contribution in terms of high-level legal advice enhanced the credibility of his conclusions and represented a very useful tool in his work of conflict prevention. He had indeed involved several members of the Venice Commission in the preparation of his latest set of recommendations on National Minorities in inter-state relations, which were about to be released.

His mandate, he explained, was institutionally more focused on security than on human rights; however, as it could be said that nowadays there was less tension in terms of security, he could focus on long-term security, which overlapped with human rights protection: conflict-prevention could thus be integrated into the human rights dimension. A far-sighted interpretation of his mandate also suggested looking beyond "national" minorities into the issues of migrant communities with long-term residence in a country.

19. Dual Voting Rights for persons belonging to national minorities

Mr Bartole presented the report on Dual Voting Rights for persons belonging to national minorities, which had been discussed at the joint meeting of the sub-commission on national minorities and of the Council for Democratic Elections. He pointed out that there were many possible solutions to ensure the representation of national minorities, such as a lower threshold or reserved seats, and their aim was to achieve the integration of minorities in society. Dual Voting was a measure of reverse discrimination which represented an exception to the general rule of "one man, one vote". Accordingly, it could not be regarded as acceptable *per se*, but could only be adopted in accordance with the constitution as a temporary measure when other measures proved unsuitable to achieve the aim of integration and in exceptional circumstances such as in the period immediately after the end of non-democratic regimes. Its advantage would be that minorities would be guaranteed some representation, while at the same time become acquainted with general voting rights. It would cease to be justified when moves towards integration are achieved.

After discussion and certain proposals for textual amendments, the Commission adopted the report on dual voting rights for persons belonging to national minorities (CDL-AD(2008)013).

20. Other constitutional developments

- *Albania*

Mr Viktor Gumi informed the Commission about recent constitutional amendments.

The proposals had been approved by Parliament on 21 April 2008, given a broad consensus in the Legal Affairs Committee and the plenary. However, members of several smaller parties opposing the amendments filed a motion to submit the approved amendments to a referendum. This proved to be unsuccessful since less than one-fifth of the parliamentarians were in favour. The members opposing the amendments then lodged a request for a general referendum with the Central Elections Commission which was rejected. The constitutional amendments entered into force on 22 May.

The amendments introduced several changes to the electoral system. *Inter alia* the number of Parliamentarians is fixed at 140 and they are elected according to a regional proportional system as defined by the electoral law. The President is elected in up to five votes. If a three-fifth majority cannot be achieved in the first three votes, a majority of more than one-half will be sufficient in the last two votes. One-fifth of the Parliamentarians may file a motion of no confidence towards the Prime Minister. The General Prosecutor is nominated for five years by the President with the consent of the Parliamentary Assembly.

- *France*

Mr Jean-Claude Colliard informed the Commission about a project of constitutional amendments going back to the proposals by a Committee chaired by Edouard Balladur. Those amendments would strengthen the position of the President, the role of the Parliament and the rights of the people. The President would obtain the right to address the National Assembly and the Senate. The Assembly, whose procedures are currently dominated by the Government, would have the right to formulate laws instead of only voting on submitted proposals. As regards the rights of the people, a referendum could be demanded by one-tenth of the population.

Furthermore, as proposed by Robert Badinter, the constitutionality of laws and decisions could be raised by any individual before the courts. Such questions would then be referred to the constitutional council.

- *Palestinian National Authority*

Mr Ali Khashan, Minister of Justice informed the Commission about the planned meeting with members of the Venice Commission on 28-29 October 2008. During that meeting the co-operation between the Palestinian National Authority and the Venice Commission will be addressed. Furthermore, modifications to the Basic Law and possibly a future law on political parties will be discussed.

- *Romania*

At the occasion of the 10th anniversary of the Romanian Foundation for Democracy through Law Mr Dan Hazaparu informed the Commission about the foundation's activities. He pointed out that the foundation had recently organized a conference on Transnistria in Chisinau. In addition, he mentioned that representatives of the foundation were involved in joint activities to amend the Romanian constitution. Mr Hazaparu further reported that thanks to the support of the Romanian national authorities the foundation had opened branches in Chisinau, Toulouse and Paris. He thanked the Commission for its guidance in establishing the foundation and

announced that Mr Antonio La Pergola had been declared honorary President of the foundation. He presented Mr Buquicchio with a commemorative coin and a diploma.

21. Other business

Ms Granata-Menghini informed the Commission about the state of the collection of contributions for the book dedicated to the memory of Antonio La Pergola. She stated that 21 contributions had been received to date and that the volume would be issued in time for the October plenary session.

The Commission was invited to consider the possibility of organizing a conference in 2010 on constitutional issues related to bioethics. Mr Markert recalled that the Commission had already touched on issues closely related to this matter. Mr Buquicchio invited interested members to contact Ms Granata-Menghini.

22. Date of the next sessions and proposals for the dates of sessions in 2009

The Commission confirmed the date of its 76th and 77th sessions: 17 – 18 October and 12 –13 December.

Furthermore, the Commission approved the schedule of sessions as follows:

78th Plenary Session: 13-14 March
79th Plenary Session: 12-13 June
80th Plenary Session: 9-10 October
81st Plenary Session: 11-12 December

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

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

ALBANIA/ALBANIE :	Mr Viktor GUMI
ALGERIA/ALGERIE :	
ANDORRA/ANDORRE :	M. Marc VILA AMIGO
ARMENIA/ARMENIE :	Mr Gagük HARUTUNYAN
AUSTRIA/AUTRICHE :	M. Christoph GRABENWARTER (Apologised/Excusé) Gabriele KUCSKO-STADLMAYER
AZERBAIJAN/AZERBAIDJAN	Mr Lätif HUSEYNOV
BELGIUM/BELGIQUE :	Mr Jan VELAERS M. Jean Claude SCHOLSEM M. Cazim SADIKOVIC
BOSNIA AND HERZEGOVINA/ BOSNIE-HERZEGOVINE	
BULGARIA/BULGARIE :	Mr Eugeni TANCHEV (Apologised/Excusé)
CHILE	Mr José Luis CEA EGANA
CROATIA/CROATIE :	Mr Stanko NICK
CYPRUS/CHYPRE :	Mr Frixos NICOLAIDES
CZECH REPUBLIC/ REPUBLIQUE TCHEQUE :	Mr Cyril SVOBODA (Apologised/Excusé)
DENMARK/DANEMARK :	Mr Jorgen Steen SORENSEN (Apologised/Excusé) Mr Michael Hansen JENSEN (Apologised/Excusé)
ESTONIA/ESTONIE :	Mr Oliver KASK (Apologised/Excusé)
FINLAND/FINLANDE :	Mr Kaarlo TUORI
FRANCE :	M. Jean-Claude COLLIARD
GEORGIA/GEORGIE :	Mr George PAPUASHVILI
GERMANY/ALLEMAGNE :	Mr Wolfgang HOFFMANN-RIEM Ms Angelika NUSSBERGER
GREECE/GRECE :	Ms Kalliopi KOUFA
HUNGARY/HONGRIE :	Mr Peter PACZOLAY Mr Laszlo TROCSANYI
ICELAND/ISLANDE :	Mr Hjörtur TORFASON (Apologised/Excusé)
IRELAND/IRLANDE :	Ms Herdis THORGEIRSDOTTIR Ms Finola FLANAGAN Mr James HAMILTON
ISRAEL/ISRAËL	Mr Dan MERIDOR
ITALY/ITALIE :	Mr Sergio BARTOLE Mr Guido NEPPI MODONA (Apologised/Excusé)
REPUBLIC OF KOREA/ REPUBLIQUE DE COREE	Mr Kong-hyun LEE
KYRGYZSTAN/KYRGHYZSTAN :	Ms Cholpon BAEKOVA
LATVIA/LETTONIE :	Mr Aivars ENDZINŠ
LIECHTENSTEIN :	Mr Harry GSTÖHL
LITHUANIA/LITUANIE :	Mr Egidijus JARASIUNAS
LUXEMBOURG :	Mme Lydie ERR
MALTA/MALTE :	Mr Ugo MIFSUD BONNICI
MOLDOVA :	Mr Nicolae ESANU
MONACO	M. Dominique CHAGNOLLAUD Mr Christophe SOSSO
MOROCCO/MAROC	Mr Abdellatif MENOUNI
MONTENEGRO	Mr Srdjan DARMANOVIC
NETHERLANDS/PAYS-BAS :	Mr Peter van DIJK (Apologised/Excusé)
NORWAY/NORVEGE :	Mr Jan HELGESEN (President/Président)

POLAND/POLOGNE :	Mr Frederik SEJERSTED
PORTUGAL :	Ms Hanna SUCHOCKA
ROMANIA/ROUMANIE :	Mme Maria Fernanda PALMA
	Mr Lucian MIHAI (Apologised/Excusé)
	Mr Bogdan AURESCU (Apologised/Excusé)
RUSSIAN FEDERATION/ FEDERATION DE RUSSIE	Mr Valeriy ZORKIN (Apologised/Excusé)
	Mr Valeriu MUSIN
SAN MARINO/SAINT-MARIN :	Mme Barbara REFFI (Apologised/Excusée)
SERBIA / SERBIE	Mr Vojin DIMITRIJEVIC
SLOVAKIA/SLOVAQUIE :	Ms Ivetta MACEJKOVA (Apologised/Excusée)
	Mr Eduard BARANY
SLOVENIA/SLOVENIE :	Mr Klemen JAKLIC
SPAIN/ESPAGNE :	Mr Carlos CLOSA MONTERO
	Mr Angel SANCHEZ NAVARRO
SWEDEN/SUEDE :	Mr Hans-Heinrich VOGEL (Apologised/Excusé)
	Mr Iain CAMERON
SWITZERLAND/SUISSE :	Mme Gret HALLER
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"/	
"L'EX REPUBLIQUE YOUGOSLAVE DE MACEDOINE" :	Ms Gordana SILJANOVSKA-DAVKOVA
TUNISIA/TUNISIE	
TURKEY/TURQUIE :	Mr Ergun ÖZBUDUN
UKRAINE :	Mr Serhiy HOLOVATY
UNITED KINGDOM/	Mr Jeffrey JOWELL (Apologised/Excusé)
ROYAUME-UNI	Mr Anthony BRADLEY

COMMITTEE OF MINISTERS/COMITE DES MINISTRES

Ambassador Andrei NEGUTA, Permanent Representative of Moldova to the Council of Europe (Apologised/Excusé)

Ambassador Wendelin ETTMAYER, Permanent Representative of Austria to the Council of Europe

Ambassador Borislav MARIC, Permanent Representative of Bosnia and Herzegovina to the Council of Europe

Ms Rodica POSTU, Deputy Permanent Representative of Moldova to the Council of Europe

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE/ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Mr Christos POURGOURIDES, Member of the Committee on legal affairs and human rights

Mr René van der LINDEN (Apologised/Excusé)

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE/CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE :

Mr Yavuz MILDON, Président du Congrès (Apologised/Excusé)

Mr Keith WHITMORE, President of the Institutional Committee

EUROPEAN COMMUNITY/COMMUNAUTE EUROPEENNE

M.. Patrick HETSCH, Commission européenne

Ms Luisella PAVAN-WOOLFE, Representative of the European Commission to the Council of Europe

COUNCIL OF THE EUROPEAN UNION/CONSEIL DE L'UNION EUROPEENNE

Mr Pirkka TAPIOLA, Policy Unit

INVITED GUESTS/INVITES D'HONNEUR**ALGERIA/ALGERIE**

M. Boualam BESSAÏH, Président, Conseil constitutionnel de la République d'Algérie
Mr Mohamed HABCHI, Membre du Conseil constitutionnel
M. Hellali BENZID, Directeur du protocole, Conseil constitutionnel

ARMENIA/ARMENIE

Mr Tigran TOROSYAN, Speaker, Parliament of Armenia (Apologised/Excusé)

AZERBAIJAN/AZERBAÏDJAN

Mr Shahin ALIYEV, Head of Department of Legislation and Legal Expertise, Office of the President of the Republic of Azerbaijan
Mr Fuad ALESGEROV, Presidential Administration, Head of Department of Co-ordination of Law Enforcement Agencies,
Mr Safa MIRZAYEV, Head of Staff, Parliament of Azerbaijan (Apologised/Excusé)

BOSNIA AND HERZEGOVINA/BOSNIE-HERZEGOVINE

Mr Suad ARNAUTOVIC, President, Central Electoral Commission
Ms Ivana ZEKIC

ELECTIONS CANADA

Ms Diane DAVIDSON, Deputy Chief Electoral Officer (Apologised/Excusée)

INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW/ASSOCIATION INTERNATIONALE DE DROIT CONSTITUTIONNEL

M. Didier MAUS, Président, Association internationale de droit international (Apologised/Excusé)

MEXICO/MEXIQUE

Mr Manuel Gonzalez OROPEZA, Magistrate, Federal Electoral Court of Mexico
Mr Salvador Nava GOMAR, Magistrate, Federal Electoral Court of Mexico
Mr Gerardo DE ICAZA, Chef of International Affairs, Federal Electoral Court of Mexico

MOLDOVA

Mr Valeriu GURBULEA, Prosecutor General (Apologised/Excusé)
Mr Igor SERBINOV, Deputy Prosecutor General

OSCE

High Commissioner for National Minorities/Haut Commissaire pour les minorités nationales
Mr Knut VOLLEBAEK, High Commissioner
Mr Odd Magne RUUD, Head of Cabinet, Personal Adviser
Mr Krzysztof DRZEWICKI, Senior Legal Adviser

Office for Democratic Institutions and Human Rights/Bureau des Institutions Démocratiques et des Droits de l'Homme :

Mr Christian STROHAL, Director
Mr Denis PETIT, Head of the Legislative Support Unit
Mr Neil JARMAN, Director, Institute for Conflict Research

OSCE Mission to Bosnia and Herzegovina/Mission de l'OSCE en Bosnie-Herzégovine

Mr Douglas DAVIDSON, Head of Mission

PALESTINIAN NATIONAL AUTHORITY/AUTORITE NATIONALE PALESTINIENNE

Mr Ali KHASHAN, Minister of Justice

ROMANIA/ROUMANIE

Mr Dan HAZAPARU, President, Romanian Foundation for Democracy through Law

M. Constantin SIMA, Procureur

RUSSIAN FEDERATION/FEDERATION DE RUSSIE

Mr Sergey MAVRIN, Judge, Constitutional Court

SLOVAK REPUBLIC/REPUBLIQUE SLOVAQUE

Mr Jan KUBIS, Minister of Foreign Affairs

Ms. Martina BALUNOVA, Cabinet of the Minister

Mr. Vladimir URBAN, Deputy Permanent Representative, Slovak Embassy in Rome.

UKRAINE

Ms Marina STAVNIYCHUK, Secretary, National Constitutional Council

Ms. Hanne SEVERINSEN, Adviser to the Prime Minister of Ukraine

ITALY/ITALIE :

Mr Renato CIANFARANI, Ministry of Foreign Affairs

Mr Sergio Busetto, Deputy Director General, Ministry of Foreign Affairs Italy

REGIONE VENETO

Diego VECCHIATO, Département des affaires internationales

Ms Tanya RANGELOVA TRAYANOVA

Ms Donatella CAMPANELLA

SECRETARIAT

M. Gianni BUQUICCHIO

Mr Thomas MARKERT

Ms Simona GRANATA-MENGHINI

M. Pierre GARRONE

Mr Serguei KOUZNETSOV

Ms Tanja GERWIEN

Mr Jorg NOBBE

Ms Helen MONKS

Mme Ermioni KEFALLONITOU

**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE/ASSEMBLEE
PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

Ms Despina CHATZIVASSILIOU

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE/CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE :

Mme Antonella CAGNOLATI

SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL IN BOSNIA AND HERZEGOVINA/REPRESENTANT SPECIAL DU SECRETAIRE EN BOSNIA-HERZEGOVINE

Ms Caroline RAVAUD

INTERPRETERS/INTERPRETES

Ms Maria FITZGIBBON

Mr Derrick WORSDALE

Mr Artem AVDEEV

Mr Vladislav GLASUNOV