

European Commission for Democracy through Law (Venice Commission) of the Council of Europe



European Commission
for Democracy through Law

Council of Europe, 2025

Venice Commission

ANNUAL REPORT OF ACTIVITIES 2024



**European Commission
for Democracy through Law
(Venice Commission)
of the Council of Europe**

**Annual report of activities 2024
(abridged version)**

The European Commission for Democracy
through Law (Venice Commission)

© Council of Europe, May 2025

FOREWORD FROM THE PRESIDENT OF THE VENICE COMMISSION OF THE COUNCIL OF EUROPE



The year 2024 has once again demonstrated the important role of the Venice Commission in the European debate on the rule of law, which is inextricably linked to safeguarding democracy and protecting human rights. This annual report, which assesses the Commission's activities, highlights that this debate extends beyond European borders and that other states some of which are members of the Commission from different continents, also actively participate in it.

The number of Opinions issued by the Commission, the number of member states involved, and the origin of the requests for Opinions—since only the political authorities of the states and the political bodies of the Council of Europe may submit

such requests—all serve as indicators of a shared need for an objective analysis of constitutional and legislative texts, as well as of the reforms required to ensure their compliance with European standards and their effectiveness.

This challenge is significant, as highlighted by the Heads of State and Government at the Reykjavik Summit in 2023, who expressed concern over “autocratic tendencies and growing threats to human rights, democracy and the rule of law”.

In response to the inevitable resistance to necessary substantive or procedural reforms, as well as the genuine challenges they present, the Venice Commission has recently developed two key initiatives to better understand these obstacles and help overcome them. First, it systematically reviews and assesses the implementation of its Opinions and, of course, its recommendations by issuing “follow-up Opinions”. Second, it strengthens knowledge by organising or promoting meetings that bring together political and legal actors, as well as civil society, to address emerging topics that have proven particularly significant in light of recent developments.

The figures in this report reflect these developments while also highlighting the continuation - and often the expansion - of the Commission's traditional activities, demonstrating the strong engagement of its members.

The Venice Commission's secretariat is at the core of all these activities. The Committee of Ministers, through the voice of its member states, values the work of the small Strasbourg-based team of lawyers and assistants throughout the year. This team co-ordinates the work of individual members, organises numerous missions, supports the work of rapporteurs, and maintains essential contacts within the member states.

My regular and constructive exchanges with the Committee of Ministers illustrate the strong support that the Commission receives from the member states. The Parliamentary Assembly's support is equally evident through the fruitful co-operation reflected in requests for Opinions and monitoring activities, once again demonstrating the synergies that exist within the Organisation.

This annual report, once again for 2024, reflects our collective commitment to the effective implementation of shared principles and values.

Claire Bazy Malaurie
President of the Venice Commission

THE VENICE COMMISSION IN A NUTSHELL

The Venice Commission is an enlarged agreement with 61 member states: the 46 members of the Council of Europe, and 15 other members from Asia, the Americas, Africa. The core mission of the Venice Commission is to provide, upon request, Opinions containing legal assessments of constitutions and legislation and relevant recommendations aiming at aligning such texts to international standards and comparative good practices. In recent times, with the aim of maximising the impact of its work, the Commission has also focused on the follow-up, which is given to its Opinions, through country-specific missions, activities, participation in debates and conferences as well as media exchanges. The Commission's assessments, on the one hand, are based on international standards, and, on the other hand, contribute to identifying and developing them. In parallel to providing Opinions, the mission of the Commission, therefore, includes the organisation of conferences and seminars and the preparation of general reports on specific topics. As follow-up to the Reykjavik declaration, the Venice Commission has also launched the update of the Rule of Law Checklist through an inclusive process of consultation of the stakeholders. The Commission's extra-European outreach represents an undoubted added value, to the extent that it enriches its reflection and experience on the standards of the Council of Europe, while it "exports" them to other continents, thus contributing to democratic security.



VENICE COMMISSION OF THE COUNCIL OF EUROPE

KEY FACTS



ESTABLISHMENT



10 MAY 1990

by 18



Council of Europe member States

TO DATE

61 MEMBER STATES

INCLUDING 15 NON Council of Europe MEMBERS



4 observer countries

+ 2 beneficiaries with special cooperation authorisation



OAS
More rights for more people

CLOSE COOPERATION WITH

EU, OSCE/ODIHR and OAS

3 INTERNATIONAL ORGANISATIONS PARTICIPATING IN THE WORK OF THE COMMISSION

ADOPTION OF
some



1193

COUNTRY-SPECIFIC OPINIONS + GENERAL REPORTS

ORGANISATION
of over



121

INTERNATIONAL CONFERENCES

IMPLEMENTATION
of over



19

COOPERATION PROGRAMMES IN CENTRAL ASIA, LATIN AMERICA AND SOUTH MEDITERRANEAN REGIONS

WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE*



*SINCE 2009

COURTS

122

MEMBERS

NUMBER OF JUDGMENTS IN CODICES DATABASE OVER

12,500

EUROPEAN COURT OF HUMAN RIGHTS

references to Venice Commission in over

346 JUDGMENTS AND DECISIONS*

* Since 2001



requests for

9 amicus curiae BRIEFS**

**Since 2005

IN 2023

The Venice Commission **adopted**

43

DOCUMENTS

for

17 countries

37 OPINIONS on

- constitutional issues (4)
- judges and prosecutors (13)
- elections and political parties (7)
- other legal issues (13)

6 TEXTS of general nature

- according to the urgent procedure (2)
- follow up opinions (5)
- Amicus Curiae briefs (2)

EVENTS

It (co)organised

11 CONFERENCES



LEGAL ADVICE

to

7 ELECTION OBSERVATION MISSIONS OF THE PARLIAMENTARY ASSEMBLY



CONSTITUTIONAL CASE LAW

total number of published

136 BULLETINS

on Constitutional Case-Law

responded to

22 REQUESTS FOR COMPARATIVE INFORMATION

by 10 constitutional courts on the VENICE FORUM



NUMBER OF JUDGMENTS ADDED TO CODICES DATABASE

343

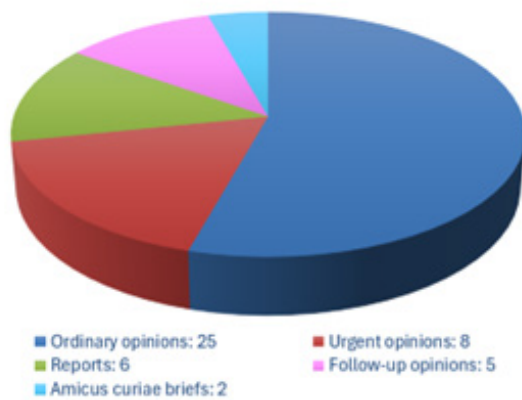
WWW.CODICES.COE.INT

www.venice.coe.int

2024 IN FIGURES: OUTPUT OF THE VENICE COMMISSION'S WORK

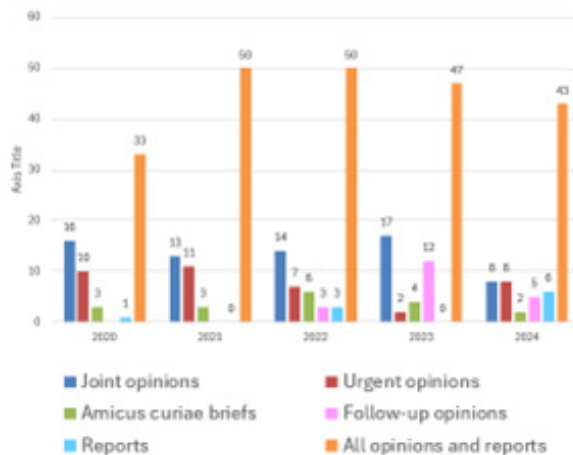
In 2024, the Commission received 45 Opinion requests. It adopted 37 Opinions – 25 ordinary ones, 5 follow-up Opinions, 8 urgent Opinions (3 being also follow-up ones) and 2 *amicus curiae* briefs. It postponed the preparation of 11 Opinions to 2025.

Adopted Opinions* and reports in 2024



*3 Opinions were both urgent and follow-up. The total number of opinions adopted in 2024 is 37.

Adopted opinions and reports 2020-2024 by type



concerned Georgia (4), Hungary, Poland (2) and Spain. Two Opinions were requested both by the Parliamentary Assembly and the country concerned (Poland, Spain).

The proportion of 2024 Opinions requested by the state compared to those requested by the Parliamentary Assembly was 3:1 (same as in 2023).

The Commission also adopted four general reports – two upon its own initiative (“bicameralism” and “relations between parliament and the government : confidence and responsibility”), one requested in 2023 by the Parliamentary Assembly of the Council of Europe (“A rule of law and human rights compliant regulation of spyware”), one at the request of the Organization of American States (“Election observers as human rights defenders”) - and

The number of Opinion requests is stable compared to the 2021, 2022 and 2023, and confirms that the increase compared to 2020 has become structural.

The Opinions concerned 15 countries: Albania, Armenia (4), Bosnia and Herzegovina (3), Bulgaria (2), Georgia (4), Haiti (2), Hungary, Kyrgyzstan (4), Lebanon, the Republic of Moldova, Montenegro (5), Poland (4), Serbia, Spain and Türkiye. Two *amicus curiae* briefs were requested by the European Court of Human Rights.

Six Opinions were prepared jointly with the Directorate General of Human Rights and the Rule of Law – DGI: (Armenia (2), Poland (2), Bulgaria (2) and two Opinions on Armenia with the Directorate General of Democracy – DGII.

The Opinion requesters were the national authorities (25: the Government – Minister of Justice (21), Speaker of Parliament (2), Presidency (1), Constitutional Court (1)); Council of Europe bodies (10: the Parliamentary Assembly of the Council of Europe (President (2) and Monitoring Committee (6)), the European Court of Human Rights (2)) and other international organisations (2 requests by the Organization of American States). The Opinions requested by the Parliamentary Assembly (PACE)

two interpretative declarations (“Revised interpretative declaration on the Stability of electoral law” and “Interpretative declaration of the Code of Good Practice in electoral matters as concerns digital technologies and artificial intelligence”). General reports are prepared by the Commission to analyse novel or complex issues in order to identify possible solutions; general reports, thus, support the Commission’s recommendations in country-specific Opinions.

In 2024, the Commission endorsed three compilations (on Electoral Training, on Central electoral Management Bodies, and on the Principle of Legality). The compilations concerning Judges and Courts were updated.

Eleven Opinion requests were postponed to 2025 in agreement with the requesting authorities. The postponement was either inevitable (the requests having been received in late December) or made necessary by either

pending electoral processes or the necessity for the Venice Commission’s secretariat to focus, on the one hand, on the preparation of urgent pending general reports and, on the other hand, on Opinion-follow-up activities and work. One Opinion request was withdrawn.

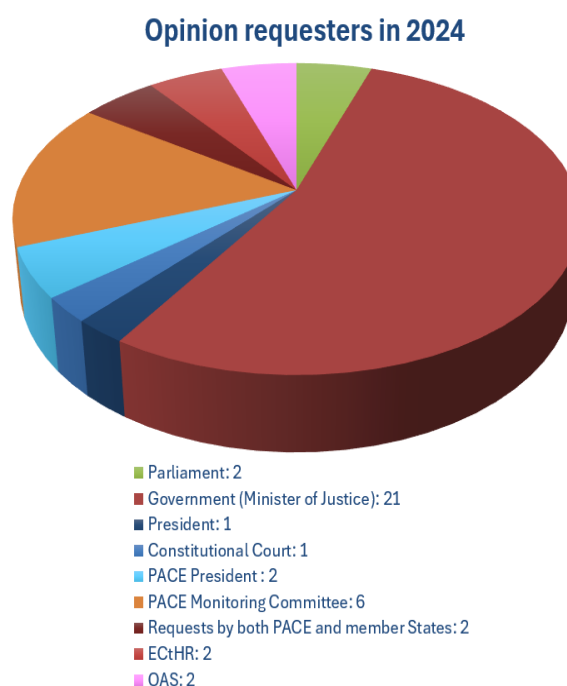
Three reports are pending: the study on Migration and Asylum in electoral campaigns and the Checklist on the influence of money on democracy (requested by the Parliamentary Assembly) and a report on the status of the European Charter of Local Self-government in the domestic legal systems of Council of Europe member states (requested by the Congress of Local and Regional Authorities of the Council of Europe).

In 2024, the Commission, encouraged by the conclusions of the Reykjavik summit, launched the process of the update of its Rule of Law Checklist. It chose to proceed with a preliminary round of extensive consultations of the Checklist’s stakeholders: national authorities, courts, constitutional courts, ombudsman institutions, civil society organisations, academia, international organisations. To this end, the Venice Commission secretariat organised exchanges of views, round tables, conferences and sought written input. The result of these consultations will be used to update the Checklist, which should be finalised before the end of 2025.

The Commission generally organises conferences related to its priority areas of work, based on the issues identified through Opinions that require further exchanges at the general level, often leading to the preparation of reports and studies. For example, the “Revised interpretative declaration of the Stability of electoral law” which the Commission adopted in 2024, was prepared, notably through the conference on the Stability of Electoral Law which the Commission had co-organised in Barcelona in 2023.

The Report on Bicameralism, adopted in 2024, followed the International Seminar on “Bicameralism: phenomenology, evolution, and current challenges of a “contested institution”, co-organised in Madrid in 2022. A special e-Bulletin on the “Forms and limits of judicial deference: the case of the constitutional courts” was issued in May 2024 in conjunction with the Conference of European Constitutional Courts’ (CECC) meeting held in Chisinau, the Republic of Moldova.

In 2024, the Commission co-organised eight international conferences in eight countries: “Elements and dynamics of the European legal standard”, 18-19 April, Gdansk, Poland; 19th Congress of the Conference of European Constitutional Courts (CECC), 22-23 May, Chisinau, the Republic of Moldova; “The role of the Ombudsman as a guardian of rights”,



12-13 September, Cassino, Italy; “Protecting human rights in the digital age and in social media”, 26 September, Paphos, Cyprus; “International Conventions in the Internal Legal Order: place and reception”, 4-5 October, Rabat, Morocco; “Aspects of Constitutionalism in European small-sized States”, 14 October, San Marino; “Respect for the Decisions of Constitutional Courts”, 14-15 November, Yerevan, Armenia; “Private Powers and the Rule of Law”, 28-29 November, Madrid, Spain.

Two of these conferences were specifically organised to brainstorm and reflect on issues relevant to the update of the Commission’s Rule of Law Checklist (Private powers and the rule of law, Respect for constitutional courts’ judgments).

The Commission’s seminars focus on specific issues raised by its partner institutions as requiring specific training. In 2024, the Commission organised three seminars: training seminar on the “Evaluation of laws by the parliamentary institution”, 5-6 March, Rabat, Morocco; training workshop on the “Best interests of the child”, 23-24 April, Rabat, Morocco; seminar on the “Exception of unconstitutionality of laws”, 12-13 June, Salé, Morocco.

In 2024, the Commission participated in its capacity as legal advisor to the Parliamentary Assembly in seven election observation missions in four countries (North Macedonia, Bulgaria, the Republic of Moldova, Georgia). These missions concerned the Presidential elections (first round) on 24 April and the Parliamentary and presidential (second round) elections on 8 May in North Macedonia; the early parliamentary elections on 9 June and the early parliamentary elections on 27 October in Bulgaria; the Presidential election and constitutional referendum on 20 October and the second round of Presidential election on 3 November in the Republic of Moldova; the parliamentary elections of 26 October in Georgia. A Venice Commission’s delegation also participated in the Foreign Visitors Program organised by the National Electoral Institute (INE) and the Electoral Tribunal of the Federal Judiciary (TEPJF) of Mexico from 30 May to 2 June in the framework of the 2024 federal electoral process of Mexico.

In 2024, six activities linked with upcoming 2024 or 2025 elections or past elections and were designed to prepare the election or identify weaknesses of the past electoral process with a view to improve the system (the so-called pre- and post-electoral activities). They were organised in five countries (Mexico, North Macedonia, Bosnia and Herzegovina, the Republic of Moldova, Albania): the Electoral Justice Forum for Foreign Visitors organised by the Electoral Tribunal of the Federal Judiciary (TEPJF) on 2 June, Mexico; a pre-electoral workshop on 4-5 September in Sarajevo, Bosnia and Herzegovina; a webinar to facilitate the preparation of the upcoming Presidential Elections and Referendum on 9 September (online) in the Republic of Moldova; a post-electoral workshop on 5 November in Skopje, North Macedonia; a pre-electoral conference: “Depoliticization of the electoral administration : the Need for Professional Electoral Workers” on 10 December in Tirana, Albania and a meeting of Electoral Judges 2024 on 25-26 November in Mexico City.

Three bulletins on Constitutional Case-Law were issued in English and French in 2024: in April (2023/2), June (2023/3) and October (2024/1) with a special e-Bulletin on the “Forms and limits of judicial deference: the case of the constitutional courts” (English, French) issued in May 2024 in conjunction with the Conference of European Constitutional Courts (CECC) meeting held in Chisinau, the Republic of Moldova.

In 2024, 22 Venice Forum requests were received from 10 countries: Albania (5), Azerbaijan, Brazil (2), Bulgaria (2), Czech Republic (3), Kazakhstan (5), Kyrgyzstan, Latvia, Slovenia, Slovakia and were dealt with in the forum.

TOPICS OF THE VENICE COMMISSION'S OPINIONS

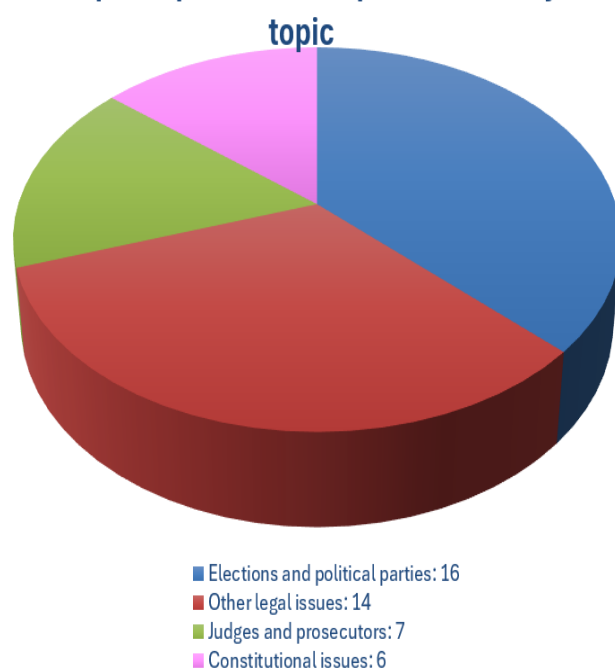
In 2024, the Opinion requests relating to judicial reforms continued to dominate the Commission's agenda. One major topic was the "counter-reforms" of the High Judicial Council and of the Constitutional Tribunal of Poland and their consequences on the status of judges and prosecutors, and the fate of the decisions rendered in the past eight years. These reforms are known to be part of a process of "restoration of the rule of law" and are as complex as they are divisive. The Commission developed its position on the need to respect the rule of law even in an attempt to mend previous antidemocratic reforms and the need to reconcile the different tenets of the rule of law without losing sight of the overall result. Several Opinions concerned the composition of Judicial and/or Prosecutorial Councils (Türkiye, Montenegro, Bosnia and Herzegovina), the administrative judiciary (Lebanon) and four Opinions concerned the prosecution service (Montenegro, Serbia, Poland). The Commission also addressed reforms concerning Judicial Codes (Armenia) and Codes of Ethics of judges and prosecutors (Bulgaria), and the Judicial academy (Serbia). Procedural matters of criminal law (bail, videoconferencing of proceedings, collection of evidence, seizure and confiscation of material benefit derived from crime) were the object of several Opinions (Kyrgyzstan, Armenia, Montenegro).

2024 was a year of dense and important elections and witnessed new and somehow unprecedented (at least in scale) challenges. The Venice Commission adopted two interpretative declarations related to two major challenges: the stability of electoral law – which continues to be an issue in several Venice Commission's member states – and the use of digital technologies and artificial intelligence in electoral processes – which has amplified the threat of harmful interference and has highlighted the need to adapt the legislative and regulatory frameworks. The Commission further adopted a report on electoral observers as human rights defenders – in response to a request by OAS which stressed the new threats – including at the level of personal security - to which observers are exposed. The Commission

considered that election observers benefit from both the specific international protection and guarantees that pertain to election observation, which is a public function and, as such, also bears specific duties and obligations, and of those that pertain to human rights defenders. The Commission adopted one *amicus curiae* brief requested by the European Court of Human Rights which was related to the Italian mixed electoral system.

In country-specific Opinions, the Commission assessed electoral reforms in Georgia (including one on abolishing gender quotas) and in the Republic of Moldova (introducing a trail of postal vote). It also examined the Hungarian law on the protection of national sovereignty, relating to undue foreign funding of political parties and electoral campaigns and processes. In respect of Haiti, the

Adopted opinions and reports in 2024 by topic

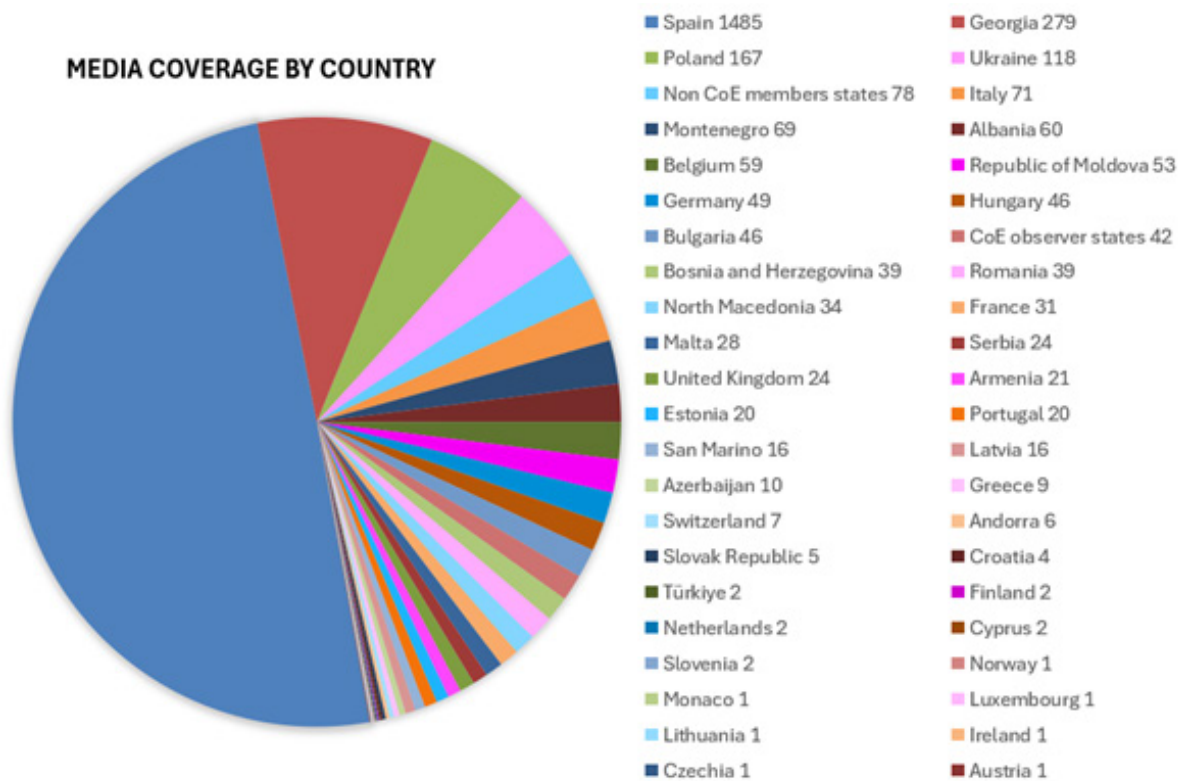


Commission examined possible avenues to overcome the collapse of the state, through elections designed to give legitimacy to new institutions. The dilemma of having elections before a constitutional reform or vice-versa has been solved by the Haitian Transitional Presidential Council in favour of organising a constitutional referendum prior to presidential and parliamentary elections. In these two Opinions, the Commission accepted that on account of the constitutional meltdown, it was not possible to amend the constitution in a constitutional manner.

All Opinions and reports on electoral matters, prior to submission to the Commission for adoption at plenary sessions, were examined and approved by the Council for Democratic Elections.

Five Opinions concerned constitutional justice: one related to the implementation of constitutional court decisions and was requested by the Speaker of parliament (Albania), one to the reform of the constitutional tribunal following international judgments declaring it illegitimately constituted, hence itself a source of breaches of Article 6 ECHR (Poland); one *amicus curiae* brief addressed the standards on the disciplinary rules for presidents and judges of constitutional courts, one related to the method of electing judges of the constitutional court (Montenegro) and one the functioning of the constitutional court (Bosnia and Herzegovina).

Other Opinions dealt with legislation on mass media (Armenia) and freedom of expression (penalties of insult and slander (Kyrgyzstan), protection of family values (Georgia)). Two Opinions concerned legislation on the so-called foreign agents (Georgia, Kyrgyzstan). One Opinion related to national minorities (Armenia), and one concerned discrimination for the protection of family values (Gorgia). One Opinion concerned a novel matter: the compatibility of amnesties with the rule of law (Spain). Two Opinions concerned reforms carried out at the level of the constitution (Haiti, Poland).



IMPACT OF THE COMMISSION'S OPINIONS AND REPORTS

Since 2022, follow-up has become a specific focus of the action of the Venice Commission secretariat and of the Commission's members. Dialogue with a view to facilitating the implementation of the recommendations is actively pursued, through bilateral exchanges, meetings, missions, round tables with the authorities, civil society and other stakeholders, in Strasbourg or in the country concerned, but also through presentations of the Opinions at hearings of the Parliamentary Assembly of the Council of Europe (PACE) and of the European Parliament, at meetings with the European Commission, at international conferences and similar. Co-ordination with other services of the Council of Europe is ensured. Communication with the press – international and national – is maintained. These activities are referred to as "follow-up activities".

Several and diverse follow-up activities were organised in 2024. Venice Commission's members took part in the hearings organised by the Parliamentary Assembly of the Council of Europe to follow-up on the situation and Opinions adopted in respect of Armenia, Belgium, Spain, Georgia, Hungary, Ukraine, Russian Federation. The secretariat also organised meetings with the authorities and took part in exchanges of views in respect of Armenia, Bosnia and Herzegovina, Georgia, Germany, Hungary, Kyrgyzstan, Lebanon, the Republic of Moldova, Montenegro, Ukraine to discuss the impact of the Venice Commission's recommendations on the ongoing legislative process.

The secretariat was informed that the Commission's recommendations, as formulated in 20 Opinions, were reflected in national legislation; this was reported on at the March, June and October plenary sessions in 2024 (Bosnia and Herzegovina (4), Bulgaria, Georgia (3), Germany, Norway, Republic of Moldova (3), Montenegro, Spain, Poland, Ukraine (4)). In addition, five follow-up Opinions were prepared at the request of the national authorities (Bosnia and Herzegovina, Montenegro (3)) or PACE (Georgia), on legislation which had been revised on the basis of the Commission's previous recommendations.

The Commission's Opinions were the object of several articles by the academia (for example, Poland), especially in the countries directly concerned by the Opinions.

The Commission's Opinions were also broadly reflected in four judgments of the European Court of Human Rights (Cases of *Verein Klimaseniorinnen Schweiz and others v. Switzerland*; *Ukraine v. Russia*; *Grande Oriente d'Italia v. Italy*; *Bakradze v. Georgia*).

They were also quoted and commented in reports and debates of other international bodies (EU, OAS). For example, the European Commission's 2024 Rule of Law Report contains references to 50 Opinions of the Venice Commission in 19 country chapters, and the European Commission's 2024 Communication on EU enlargement policy contains references to more than 80 Opinions and Reports of the Venice Commission.

Practically all the Opinions adopted in 2024 were the object of media coverage both nationally and internationally. The Venice Commission was referred to in 2914 articles in 11 member states as well as 78 articles by non-CoE member states (including, for example, Haiti) in the course of 2024 (this figure only covers press in English/French and in the other local languages which are monitored by the Directorate of Communication).

BUDGET AND STAFF

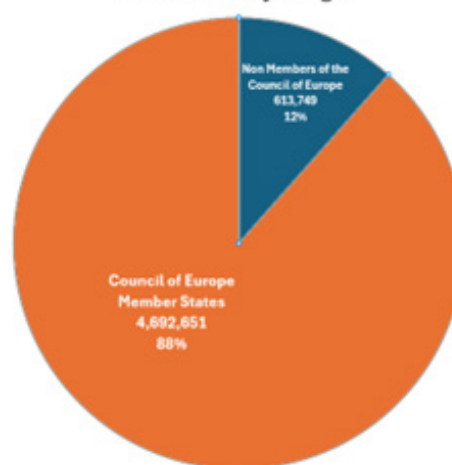
The Commission's ordinary budget is made up by the contributions of its 46 Council of Europe member states and its 15 non-Council of Europe member states (according to Article 6.a of the Statute of the Venice Commission the rate of contribution of the latter is one third of its contribution as calculated in accordance with the rules for Council of Europe member states, but no higher than one third of the contribution by the major contributors). The ordinary budget amounted to 5 306 400 euros in 2024.

Between 2022 and 2025, the Venice Commission's real ordinary budget was increased by 13.42%, following the decision of the Committee of Ministers, in 2023 and 2024, to grant respectively two and three additional posts to the Venice Commission. This increase was justified by the structural increase of 51.5% in the number of Opinion requests per year. The Venice Commission secretariat now counts 28 posts on the ordinary budget.

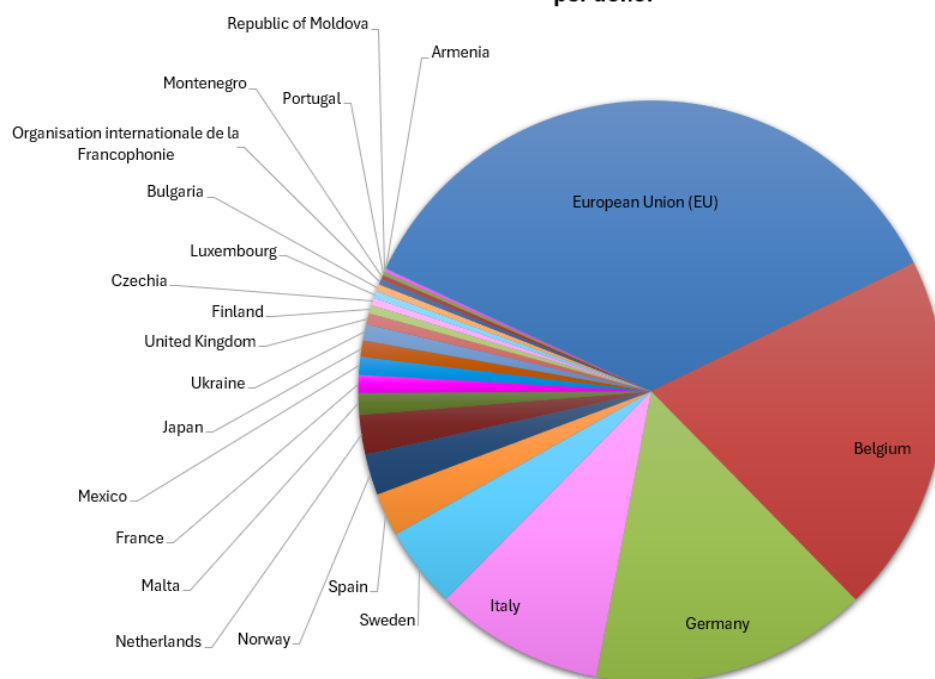
The Commission has also benefited from generous voluntary contributions (and in-kind contributions from Italy for the organisation of plenary sessions), covering all fields of activity of the Venice Commission, which has allowed the Commission to fund and implement its increased activities.

In addition, the Venice Commission has benefited from regional Joint EU/CoE Programmes and voluntary contributions earmarked to country specific projects for Ukraine under the Action Plan. These have allowed to fund many Opinions over recent years.

2024 Ordinary Budget



Voluntary contributions and Joint EU/CoE Programmes to/with the Venice Commission 2020-2024 per donor

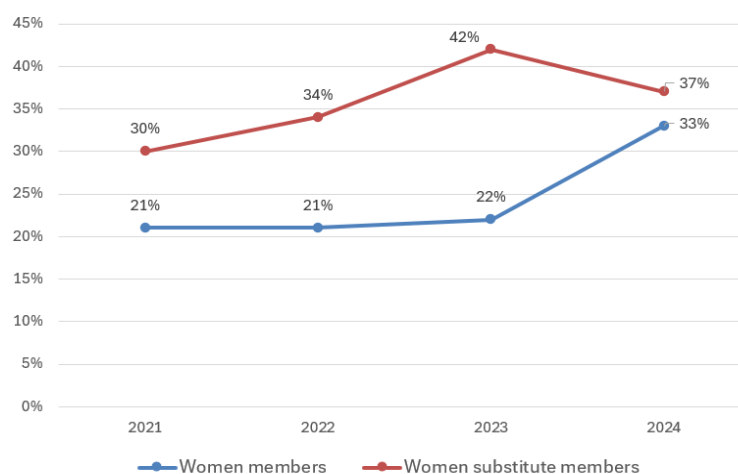


POSITIONS ON THE VENICE COMMISSION

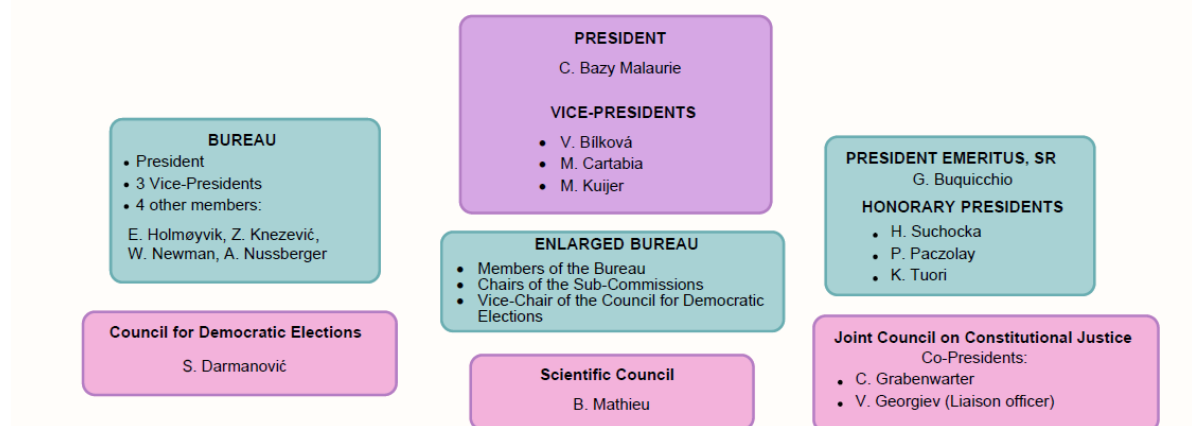
In 2024, the number of women members increased, reaching 33%, while the percentage of female substitute women decreased and is now 37%.

In December 2023, elections for all the Commission's positions were held, for a mandate of two years (the next elections will be held in December 2025).

Women members and substitute members of the Venice Commission 2021-2024



POSITIONS ON THE VENICE COMMISSION IN 2024



CHAIRS OF THE SUB-COMMISSIONS



UPDATE OF THE RULE OF LAW CHECKLIST

As a follow-up to the Reykjavík Declaration - United around our values of the Fourth Summit of Heads of State and Government of the Council of Europe, the Venice Commission has launched the update of the Rule of Law Checklist through an inclusive process of consultation of the stakeholders. During the past nine years, the Checklist has become a Venice Commission's identity document and served as a practical tool for stakeholders. In 2024, the update of the Checklist has therefore been an ever-present point of reference throughout the work carried out by the Commission, in order to understand how the Checklist has been used in the past years, and to collect feedback on how it may be developed.

This exercise started in July 2024, with an informal exchange of views with representatives of civil society organisations (CSOs) organised by the Committee of Ministers' Rapporteur Group on Legal Co-operation (GR-J). This exchange of views enabled CSOs to provide feedback on the use and impact of the Rule of Law Checklist and to make proposals for its further development.



The update of the Rule of Law Checklist has been a topic addressed in several conferences co-organised by the Venice Commission. In particular, on 18 and 19 April 2024, together with the University of Gdansk, the Venice Commission held the Conference “Elements and dynamics of the European legal standard” in Gdansk, Poland. The conference provided an opportunity for a thorough reflection among Venice Commission’s members and academics on the significance of legal standards on the separation of powers, the judiciary and the prosecutor’s office, and the constitutional judiciary in an era of major challenges to the European legal architecture and its democratic values.

On 14-15 November 2024, the international high-level Conference “Respect for the Decisions of Constitutional Courts” co-organised by the Venice Commission, together with the Constitutional Court of Armenia and the Directorate General: Human Rights and the Rule of Law of the Council of Europe (DGI) in Yerevan, Armenia, allowed for exchanges with constitutional courts.

On 28 and 29 November 2024, the seminar on “Private Powers and the Rule of Law” organised in Madrid, Spain, allowed for an in-depth discussion from a great variety of perspectives (with speakers from private companies (TikTok), civil society, academia, politics and the Venice Commission itself) on the impact of private powers on human rights, democracy and rule of law, highlighting *inter alia* some of the matters the Rule of Law Checklist would need to capture in relation to the impact of private powers, without making the Checklist directly applicable to these private powers.

A report is under preparation by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on “Updating the Venice Commission Rule of Law Checklist: a contribution by the Assembly” with a view to contributing from a parliamentary perspective to this endeavour. In this context, Venice Commission rapporteurs were invited to intervene at the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe meeting in Paris, France, in September 2024.

The Venice Commission’s Secretary also participated in an exchange of views during the plenary of the Committee of Convention 108 on Data Protection of the Council of Europe (T-PD) in Strasbourg in November 2024.

A broad written consultation about the use of the Rule of Law checklist and proposals for its improvement was launched at the end of 2024, involving: the Permanent Representations of the Member States of the Council of Europe as well as observer States with the Council of Europe; the member states of the Venice Commission which are neither members nor observers of the Council of Europe; the European Court of Human Rights of the Council of Europe; the Group of States against Corruption of the Council of Europe (GRECO); the Advisory Council of Youth of the Council of Europe; the Consultative Council of European Judges of the Council of Europe (CCJE); the Consultative Council of European Prosecutors of the Council of Europe (CCPE); the European Commission; the European Union Agency for Fundamental Rights.

CO-OPERATION WITH THE ORGANIZATION OF AMERICAN STATES (OAS)

The Venice Commission and the OAS entered in a co-operation agreement in 2020, following up to the Memorandum of Understanding concluded between the OAS and the Council of Europe on 19 September 2011.

In December 2024, the OAS acquired the status of observer to the Council for Democratic Elections, upon an invitation by the latter.

At the 2024 December plenary session, the Venice Commission held an exchange of views with the Secretary General of the OAS.

In 2024, the Commission adopted, at the request of the OAS, two Opinions on the legal framework for Haiti's elections as well as a Report on election observers as human rights defenders.

The General Secretariat of the OAS requested the Commission to analyse the legislative framework for Haiti's elections, along with the relevant recommendations of past OAS Electoral Observation Missions and help identify legislative solutions that could serve as a basis for conducting the next and future electoral processes in Haiti. In this context, delegations from the Venice Commission were welcomed by OAS at its headquarters in Washington DC in May and October 2024, respectively, and held meetings with the OAS Secretary General and Assistant Secretary General, the OAS Permanent Council, a high-level delegation from the Haitian authorities including the Presidential Transitional Council and the Steering Committee of the National Conference, members of the Haitian civil society, as well as Haitian and foreign experts. In this framework, the Venice Commission also participated in the regular meeting of the Permanent Council of the OAS on 6 June, as well as in an online meeting with the Presidential Transitional Council (CPT) of Haiti and with a delegation from the OAS on 6 September 2024.

At the October 2024 meeting, the participants adopted conclusions concerning the next steps of their co-operation. In particular, they agreed that the draft constitution would be sent by the Steering Committee for the National Conference and Constitutional Reform to the Venice Commission for an Opinion as soon as it is finalised; the Venice Commission declared its availability to assess the legislative framework for the constitutional referendum. The representatives of Haiti and the Venice Commission, with the assistance of the OAS, would stay in regular contact to establish a timetable for the successive stages in the adoption of the new constitution.

The Interim Opinion on possible constitutional and legislative solutions to conduct future electoral processes was adopted by the Venice Commission in June 2024, and the Final Opinion was adopted in December 2024.





The OAS had also asked the Venice Commission to prepare a Report on electoral observers as human rights defenders on three key issues: first, on the fundamental civil and political rights defended by international and non-partisan citizen observers as human rights defenders; second, on the international instruments that safeguard these electoral observers in their work; and third, on the normative elements that states can incorporate into their national legislation to ensure appropriate protections for both non-partisan citizen observers and international observers. The report as adopted by the Venice Commission in December 2024.

Message from Luis Almagro, Secretary General of the Organisation of American States

“The role of the Venice Commission as the Council of Europe’s advisory body on constitutional matters is an important one, supporting, as it does, the maintenance of common standards in its member states in matters concerning democracy, human rights and the rule of law.

The impact of the Commission’s work however extends well beyond the countries of the Council of Europe, providing insight into and guidance on constitutional and legal questions across the globe. That the authority of the Venice Commission in such matters is well recognized, is not accidental. The professionalism of the Commission, the deep knowledge of its members and the impartiality of their findings, are key elements of this success. The Commission’s adherence to the highest legal standards has made it an institution that we look to for guidance on important issues. In the Americas, past Opinions by the Commission have contributed to the development of inter-American law and have provided meaningful inputs on critical matters on the inter-American agenda.

The collaboration between the Organization of American States and the Venice Commission is a true example of successful collaboration between multilateral organizations.

Congratulations on your achievements in 2024 and we look forward to our continued partnership in 2025 and beyond”.

ANNEX 1 - LIST OF ADOPTED OPINIONS AND REPORTS BY PLENARY SESSION

138 th PLENARY SESSION (VENICE, 15-16 MARCH 2024)	139 th PLENARY SESSION (VENICE, 21-22 JUNE 2024)
CDL-AD(2024)001 Hungary - Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty	CDL-AD(2024)009 Bosnia and Herzegovina - Interim Follow-up Opinion to previous Opinions on the High Judicial and Prosecutorial Council
CDL-AD(2024)002 Bosnia and Herzegovina - Opinion on certain questions relating to the functioning of the Constitutional Court of Bosnia and Herzegovina	CDL-AD(2024)010 Georgia - Follow-up Opinion to the Joint Opinion on the draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia
CDL-AD(2024)003 Spain - Opinion on the rule of law requirements of amnesties, with particular reference to the parliamentary bill of Spain "on the organic law on amnesty for the institutional, political and social normalisation of Catalonia"	CDL-AD(2024)011 Montenegro – Urgent Opinion on the draft law on the prevention of corruption
CDL-AD(2024)004 Bulgaria - Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on The Code of Ethical Conduct for Judges	CDL-AD(2024)012 Montenegro – Urgent Follow-up Opinion on the revised draft amendments to the Law on the Judicial Council and Judges
CDL-AD(2024)005 Bulgaria - Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Code of Ethical	CDL-AD(2024)013 Montenegro – Urgent Follow-up Opinion to the Opinions on the Law on the State Prosecution Services
CDL-AD(2024)006 Lebanon -Opinion on the draft law on the Administrative Judiciary	CDL-AD(2024)014 Montenegro – Urgent Follow-up Opinion to the Opinions on the Law on the Special State Prosecutor's Office
CDL-AD(2024)007 Report on Bicameralism	CDL-AD(2024)015 Bosnia and Herzegovina - Opinion on the method of electing judges to the Constitutional Court
	CDL-AD(2024)016 Report on the relations between Parliament and the Government: confidence and responsibility
	CDL-AD(2024)017 Haiti - Interim Opinion on possible constitutional and legislative solutions to conduct future electoral processes

**140th PLENARY SESSION
(VENICE, 11-12 OCTOBER 2024)**

- CDL-AD(2024)018 **Poland** - Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe on the draft law amending the Law on the National Council of the Judiciary of Poland
- CDL-AD(2024)019 **Armenia** - Joint Opinion of the Venice Commission and the Directorate General of Democracy and Human Dignity on the draft law on national minorities
- CDL-AD(2024)020 **Georgia** - Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence
- CDL-AD(2024)021 **The Republic of Moldova** - Opinion on the Law on the partial implementation of the postal vote
- CDL-AD(2024)022 **Georgia** - Opinion on the draft constitutional law on Protecting Family Values and Minors
- CDL-AD(2024)023 **Georgia** - Opinion on amendments to the Election Code which abolish gender quotas
- CDL-AD(2024)024 **Montenegro** – Urgent Opinion on the draft amendments to the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity
- CDL-AD(2024)025 **Kyrgyzstan** - Opinion on the draft Law “On amendments to the Code of Administrative Offences of the Kyrgyz Republic Introducing Penalties for Insult and Slander”
- CDL-AD(2024)026 **Kyrgyzstan** - Opinion on the draft Law “On Amendments to the Law of the Kyrgyz Republic On Regulatory Legal Acts
- CDL-AD(2024)027 Revised interpretative declaration on the Stability of electoral law
- CDL-AD(2024)028 **Armenia** - Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law of the Council of Europe on the draft amendments to the Criminal Code and the Criminal Procedure Code concerning the collection of evidence without consent in criminal investigations
- CDL-AD(2024)029 **Poland** – Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law on European standards regulating the status of judges
- CDL-AD(2024)030 **Armenia** - Joint Opinion of the Venice Commission and the Directorate General of Democracy and Human Dignity on the draft laws amending and supplementing the “Law on Mass Media” and the Civil Code of Armenia
- CDL-AD(2024)031 **Armenia** - Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law on the draft amendments to the Judicial Code of Armenia (regarding evaluation of judges)
- CDL-AD(2024)032 **Kyrgyzstan** - Opinion on the draft amendments to the Criminal Procedure Code concerning bail and videoconferencing in criminal proceedings
- CDL-AD(2024)033 **Kyrgyzstan** - Opinion on Law No. 72 of 2 April 2024 amending the Law “On Non-profit Organisations”
- CDL-AD(2024)034 **Poland** - Opinion on the draft amendments to the Law on the Public Prosecutor’s Office

**141st PLENARY SESSION
(VENICE, 6-7 DECEMBER 2024)**

CDL-AD(2024)035	Poland - Opinion on the draft constitutional amendments concerning the Constitutional Tribunal and two draft laws on the Constitutional Tribunal	CDL-AD(2024)039	Report on election observers as human rights defenders
CDL-AD(2024)036	Serbia - Opinion on the draft Law on the Judicial Academy and draft amendments to the Law on Judges and the Law on the Public Prosecutor's Office	CDL-AD(2024)040	Albania - Opinion on the implementation by Parliament of Constitutional Court decisions
CDL-AD(2024)037	<i>Amicus curiae</i> brief for the European Court of Human Rights in the case of <i>Staderini and Others v. Italy</i> on the stability of electoral legislation and some features of a mixed electoral system	CDL-AD(2024)041	Türkiye - Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members
CDL-AD(2024)038	<i>Amicus curiae</i> brief for the European Court of Human Rights in the case of <i>Shevchuk v. Ukraine</i> on standards on the disciplinary rules concerning presidents and judges of constitutional courts)	CDL-AD(2024)042	Haiti - Final Opinion on possible constitutional and legislative solutions to conduct future electoral processes in Haiti
		CDL-AD(2024)043	Report on a rule of law and human rights compliant regulation of spyware
		CDL-AD(2024)044	Interpretative declaration of the Code of good practice in electoral matters as concerns digital technologies and artificial intelligence

ANNEX 2 - LIST OF INDIVIDUAL MEMBERS IN 2024

Albania

- ▶ Ms Elvira KOKONA (Substitute member)

Algeria

- ▶ [Mr Omar BELHADJ]
- ▶ [Ms Leila ASLAOUI] (Substitute member)

Andorra

- ▶ Mr Pere VILANOVA TRIAS

Armenia

- ▶ Mr Vladimir VARDANYAN
- ▶ Mr Davit KHACHATURYAN (Substitute member)

Austria

- ▶ Mr Christoph GRABENWARTER
- ▶ Ms Katharina PABEL (Substitute member)

Azerbaijan

- ▶ Mr Rövşən İSMAYILOV

Belgium

- ▶ Mr Jan VELAERS
- ▶ M. Jean-Claude SCHOLSEM (Substitute member)

Bosnia and Herzegovina

- ▶ Mr Zlatko KNEŽEVIĆ
- ▶ Mr Nedim ADEMOVIĆ (Substitute member)
- ▶ Mr Marko BEVANDA

Brazil

- ▶ Ms Carmen Lucia ANTUNES ROCHA
- ▶ Mr Gilmar Ferreira MENDES (Substitute member)

Bulgaria

- ▶ Mr Philip DIMITROV
- ▶ Mr Plamen KIROV (Substitute member)

Canada

- ▶ Mr Warren NEWMAN

Chile

- ▶ Mr José Ignacio VASQUEZ MARQUEZ
- As of October* – Ms María Pía SILVA GALLINATO

- ▶ Ms María Pía SILVA GALLINATO (Substitute member)

As of October – Ms Nancy YÁÑEZ FUENZALIDA

Costa Rica

- ▶ Mr Fernando CASTILLO VIQUEZ
- ▶ Ms Nancy HERNANDEZ LOPEZ (Substitute member)

Croatia

- ▶ Ms Jasna OMEJEĆ
- ▶ Ms Sanja BARIĆ (Substitute member)

Cyprus

- ▶ Mr Yiasemis N. YIASEMI
- ▶ Mr Nicholas SANTIS (Substitute member)

Czech Republic

- ▶ Ms Veronika BÍLKOVÁ
- ▶ Mr Tomáš LANGÁŠEK (Substitute member)

Denmark

- ▶ Mr Jørgen Steen SØRENSEN
- ▶ Mr Thomas RØRDAM (Substitute member)

Estonia

- ▶ Mr Lauri MÄLKSOO
- ▶ Mr Oliver KASK (Substitute member)

Finland

- ▶ Mr Tuomas OJANEN
- ▶ Mr Janne SALMINEN (Substitute member)

France

- ▶ Ms Claire BAZY-MALAUURIE
- ▶ Mr François SÉNERS (Substitute member)

Georgia

- ▶ Mr Mindia UGREKHELIDZE

Germany

- ▶ Ms Angelika NUSSBERGER
- ▶ Mr Andreas PAULUS (Substitute member)

Greece

- ▶ Mr Nicos C. ALIVIZATOS
- ▶ Mr Panayotis VOYATZIS (Substitute member)

Hungary

- ▶ Mr Andras Zs. VARGA
- ▶ Mr András MÁZI (Substitute member)

Iceland

- ▶ Ms Herdis KJERULF THORGEIRSDOTTIR
- ▶ Mr Thorgeir ÖRLYGSSON (Substitute member)
- ▶ Mr Hjortur TORFASON (Substitute member)

Ireland

- ▶ Mr Richard BARRETT
- ▶ Ms Mary O'TOOLE (Substitute member)

Israel

- ▶ Mr Dan MERIDOR
As of September – Ms Talia EINHORN
- ▶ Mr Barak MEDINA (Substitute member)
As of September – Mr Chagai VINIZKY

Italy

- ▶ Ms Marta CARTABIA
- ▶ Mr Cesare PINELLI (Substitute member)

Kazakhstan

- ▶ Mr Igor Ivanovich ROGOV
As of March – Ms Elvira AZIMOVA
- ▶ Ms Unzila SHAPAK (Substitute member)
As of March – Mr Azamat YESKARAEV

Korea, Republic of

- ▶ Mr Kiyoung KIM
- ▶ Ms Noh Kong LEE (Substitute member)

Kosovo

- ▶ Mr Qerim QERIMI
- ▶ Mr Kushtrim ISTREFI (Substitute member)

Kyrgyzstan

- ▶ Mr Aiaz BAETOV
- ▶ Mr Murat UKUSHEV (Substitute member)

Latvia

- ▶ Mr Aldis LAVIŅŠ
As of December – Ms Irēna KUCINA
- ▶ Mr Artūrs KUČS (Substitute member)
As of December – Mr Mārtiņš MITS

Liechtenstein

- ▶ Mr Peter BUSSJÄGER
- ▶ Mr Wilfried HOOP (Substitute member)

Lithuania

- ▶ Mr Dainius ŽALIMAS
- ▶ Ms Inga MILAŠIŪTĖ (Substitute member)

Luxembourg

- ▶ Ms Claudia MONTI
- ▶ Ms Noémie SADLER (Substitute member)

Malta

- ▶ Mr Michael FRENDO

Mexico

- ▶ Mr José Luis VARGAS VALDEZ
As of November – Ms Mónica Aralí SOTO FREGOSO
- ▶ Ms Janine M. OTÁLORA MALASSIS, (Substitute member)
As of November – Mr Felipe DE LA MATA PIZAÑA

Moldova, Republic of

- ▶ Ms Domnica MANOLE
- ▶ Ms Olesea STAMATE (Substitute member)

Monaco

- ▶ Mr Bertrand MATHIEU
- ▶ Mr Christophe SOSSO (Substitute member)

Montenegro

- ▶ Mr Srdjan DARMANOVIC
- ▶ Mr Zoran PAZIN (Substitute member)

Morocco

- ▶ Ms Nadia BERNOUSSI
- ▶ Mr Ahmed Essalmi El Idrissi ESSALMI (Substitute member)

Netherlands

- ▶ Mr Martin KUIJER
- ▶ Ms Janneke GERARDS (Substitute member)

North Macedonia

- ▶ Ms Renata DESKOSKA
- ▶ Mr Jeton SHASIVARI (Substitute member)

Norway

- ▶ Mr Eirik HOLMØYVIK
- ▶ Ms Adele MATHESON MESTAD (Substitute member)

Peru

- ▶ Mr Gustavo GUTIÉRREZ TICSE
- ▶ Mr Manuel MONTEAGUDO VALDEZ (Substitute member)

Poland

- ▶ Mr Justyn PISKORSKI
- ▶ Ms Joanna LEMANSKA (Substitute member)

Portugal

- ▶ Mr António Henriques GASPAR
- ▶ Mr Rui Filipe SERRA SERRÃO PATRÍCIO (Substitute member)

Romania

- ▶ Mr Bogdan Lucian AURESCU
As of March – Ms Laura-Iuliana SCÂNTEI
- ▶ Ms Laura-Iuliana SCÂNTEI (Substitute member),
As of March – Mr Liviu Ilie DUMITRU

San Marino

- ▶ Mr Fabio GIOVAGNOLI

Serbia

- ▶ Mr Vladan PETROV
- ▶ Ms Maja PRELIĆ SIMOVIĆ (Substitute member)

Slovakia

- ▶ Ms Jana BARICOVÁ
- ▶ Mr Peter MOLNAR (Substitute member)

Slovenia

- ▶ Mr Ernest PETRIČ
As of May – Ms Nina BETETTO
- ▶ Ms Verica TRSTENJAK (Substitute member)
As of May – Mr Saša ZAGORC

Spain

- ▶ Mr Rafael BUSTOS GISBERT
- ▶ Mr Oscar SÁNCHEZ MUÑOZ (Substitute member)
- ▶ Ms Paloma BIGLINO CAMPOS (Substitute member)

Sweden

- ▶ Mr Iain CAMERON
- ▶ Ms Elisabet FURA (Substitute member)

Switzerland

- ▶ Ms Regina KIENER
- ▶ Mrs Monique JAMETTI GREINER (Substitute member)

Tunisia

- ▶ Mr Ghazi JERIBI
- ▶ Ms Neila CHAABANE (Substitute member)

Türkiye

- ▶ Mr Yavuz ATAR
- ▶ Ms Melek SARAL (Substitute member)

Ukraine

- ▶ Mr Serhiy HOLOVATY

United Kingdom

- ▶ Mr Timothy OTTY
- ▶ Mr Murray HUNT (Substitute member)

United States of America

- ▶ Mr Paolo CAROZZA
As of February – Mr David A. KAYE
- ▶ Mr James P. KELLY III (Substitute member)
As of February – Ms Rebecca INGBER

Observers

Argentina

- ▶ Mr Alberto Ricardo DALLA VIA
- ▶ Mr José Adrian PEREZ (Substitute member)

Holy See

- ▶ Mr Vincenzo BUONOMO

Japan

- ▶ Mr Daichi ITO
- ▶ Mr Masahiro SOGABE (Substitute member)

Uruguay

- ▶ Mr Alvaro GONZÁLEZ OTERO

Others

European Union

- ▶ Mr Hannes KRAEMER
- ▶ Mr Bernhard HOFSTÖTTER
- ▶ Mr Lukasz BAUMGART
- ▶ Ms Mihaela CARPUS CARCEA

Palestine¹

- ▶ Mr Mohammed AL-SHALALDEH
As of May – Mr Sharhabeel AL-ZAEEM

1. This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

FOR MORE INFORMATION PLEASE CONTACT:

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

