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Venice Commission reviews constitutional amendments on the judiciary and arrangements for Donetsk and Luhansk – among seven texts on Ukraine

Strasbourg, 26.10.2015 – The Council of Europe’s constitutional experts ([Venice Commission](#)), praises steps taken by Ukraine to attain an independent judiciary, including removing the power of the President to dismiss judges, and reforming the Public Prosecutor’s Office.

At the same time, the Commission suggests further amendments, including granting power to the High Council of Justice to decide not only on dismissals, but also on transfers and promotions of judges. In its [opinion](#) (*on the proposed amendments to the constitution of Ukraine regarding the judiciary as approved by the constitutional commission on 4 September 2015*), the Venice Commission rejects the dismissal of all sitting judges in Ukraine but accepts that qualifications and integrity of the judges will be checked. It recommends that the violation of the obligation to submit correct asset declarations justifying the property of a judge will be a ground for dismissal. It recommends abolishing the high specialised courts while keeping the administrative courts as an autonomous system.

The opinion and recommendations of the Venice Commission were welcomed and accepted by all Ukrainian representatives present in Venice. In its opinion the Venice Commission calls for a speedy adoption of the reform.

In another [opinion](#) (*on the temporal validity of draft Transitional Provision 18 of the constitution of Ukraine*), the Venice Commission assessed whether the transitional constitutional provision on the specific arrangements for Donetsk and Luhansk regions, if adopted, would be only of temporary character.

The Transitional Provision 18 in the amended Constitution was introduced to leave space for special arrangements for these territories thus allowing future legal developments in line with the Minsk agreement.

Drafting of the provision “does not contain any indication that it would be of temporary character” and the opinion concludes that “if adopted, Transitional Provision 18 will therefore remain valid until its abrogation by the Verkhovna Rada of Ukraine” in accordance with the procedure for revising constitution.

With respect to the constitutional amendments on decentralisation in general, the Commission noted that the current text of the draft amendments fully takes into account its previous recommendations.

Another [opinion](#) (*on the draft amendments to some legislative acts concerning prevention of and fight against political corruption*) from the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) welcomes amendments to improve ethics on financing of political party activities and election campaigns, including financing individual candidates. Proposed amendments “represent an important tool in the fight against political corruption and aim to enhance transparency in political funding,” according to the opinion.

Nonetheless, this opinion calls for more reforms, such as specifying which activities are seen as campaign activities and defining “statutory activities” for the purposes of public funding or reimbursement of campaign expenses. It asks for maintaining an overall campaign expenditure limit for parliamentary elections and introducing such a limit for presidential elections.

Final adopted versions of these and other texts, according to the [plenary session agenda](#), will be made available on the [Venice Commission website](#).

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