Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Venice Commission's "Rule of Law Checklist"

Motion for a resolution
tabled by the Committee on Legal Affairs and Human Rights

This motion has not been discussed in the Assembly and commits only those who have signed it

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The Parliamentary Assembly welcomes the adoption, by the Venice Commission, of a "Rule of Law Checklist".

The Assembly, in a series of resolutions and recommendations, has developed a strong set of principles based on its experience relating to concrete situations in many member States with regard to the constitutive elements of the rule of law.

Key elements are, in particular, the principles of legality (supremacy of the law), legal certainty, prohibition of arbitrariness and misuse (or abuse) of power, equality before the law and non-discrimination as well as access to justice.

The Assembly could welcome the fact that the Venice Commission, in response to calls from the Parliamentary Assembly, produced a "Rule of Law Checklist", which has largely taken up the Assembly's acquis, as well as universally recognised principles stated by UN and other international bodies.

The Checklist could be an important tool for the assessment of concrete situations without any double standards. The Checklist could be treated as a contribution of the Council of Europe as a whole and used also in relations with the countries in neighbouring regions to the South and East of the European continent, and beyond, as well as by the European Union in its own procedures designed to protect the rule of law in EU member states.

The Assembly could thus resolve to discuss and endorse the Venice Commission Checklist, on the understanding that it is a living instrument open to further refinement and adaptation to the specific situation in each country.