



## Resolution 2187 (2017)<sup>1</sup>

# Venice Commission's Rule of Law Checklist

Parliamentary Assembly

1. The Parliamentary Assembly congratulates the European Commission for Democracy through Law (Venice Commission), which for almost thirty years now has been doing remarkable work in the fields of constitutional law, the functioning of democratic institutions, fundamental rights, electoral law and constitutional justice, and has played a decisive role in the adoption and implementation of constitutions that are true to Europe's constitutional heritage. The Assembly works in close co-operation with the Venice Commission, regularly consulting it for opinions, the quality and authority of which make a major contribution to the Assembly's work.

2. The Assembly reiterates its steadfast commitment to the three founding principles of the Council of Europe: human rights, democracy and the rule of law. In its [Resolution 1594 \(2007\)](#) on the principle of the Rule of Law, it invited the Venice Commission to reflect in depth on the concepts of "rule of law" and "prééminence du droit". The Assembly welcomes the practical follow-up given to that initiative by the Venice Commission, which found – beyond the question of a formal definition – that there was a consensus as to the core elements covered by the terms "rule of law", "Rechtsstaat" and "État de droit", namely: legality, legal certainty, the prohibition of arbitrariness, access to justice, respect for human rights, non-discrimination and equality before the law.

3. The Assembly welcomes the Rule of Law Checklist, which helps to introduce a new, uniform benchmark for measuring compliance with one of the founding principles of the Council of Europe. The Assembly is pleased that the Committee of Ministers and the Congress of Local and Regional Authorities of the Council of Europe have already endorsed it. The Rule of Law Checklist is based largely on the standards developed by the Council of Europe, making them accessible and functional, enabling respect for the rule of law to be measured in a detailed, objective, transparent and fair manner.

4. It is a most relevant and valuable monitoring and prevention instrument to identify and analyse situations of concern. Regular and systematic use of the Rule of Law Checklist makes it possible to analyse the situation in different countries in a uniform, objective manner. Indeed, applying it to certain member States, the Assembly notes that there are serious threats to the rule of law in Council of Europe member States. Where the findings of an analysis using the Rule of Law Checklist give rise to concerns, it should trigger a firm reaction on the part of all those involved in promoting and strengthening the principles of the rule of law.

5. Indeed, the Assembly views the Venice Commission's Rule of Law Checklist as a practical tool not only for the Council of Europe but also for other national and international stakeholders, be they national or local State institutions, other international organisations or civil society.

6. The Assembly decides to:

6.1. endorse the Venice Commission's Rule of Law Checklist;

6.2. use it systematically in its work, particularly in the preparation of reports of the Committee on Legal Affairs and Human Rights and the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in order to accurately identify any structural and systemic problems in the Council of Europe's member States;

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1. *Assembly debate* on 11 October 2017 (33rd Sitting) (see [Doc. 14387](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Philippe Mahoux). *Text adopted by the Assembly* on 11 October 2017 (33rd Sitting).



- 6.3. invite the national parliaments and government bodies, including the relevant ministries, when assessing the need for and the content of legislative reform, to refer systematically to the Rule of Law Checklist;
  - 6.4. invite international or regional organisations, including the Council of Europe as a whole and the European Union, to refer regularly to the Rule of Law Checklist in their relevant work. In this connection, the Assembly congratulates the Secretary General of the Council of Europe on having taken the Rule of Law Checklist into account in his 2017 annual report, *The state of democracy, human rights and the rule of law in Europe*, and urges him to do so systematically in all his future annual reports;
  - 6.5. encourage civil society to use the Rule of Law Checklist to objectively assess respect for the rule of law.
7. The Assembly also calls on all the member and observer States of the Venice Commission to play an active part in its work and co-operate with it in defending and promoting the rule of law in a spirit of constructive dialogue, especially when the Venice Commission examines issues that concern them directly.