



Resolution 2655 (2026)¹

Updating the Venice Commission's Rule of Law Checklist: a contribution by the Assembly

Parliamentary Assembly

1. The Parliamentary Assembly congratulates the European Commission for Democracy through Law (Venice Commission) on the occasion of the 35th anniversary of its creation. For over three decades, the Venice Commission has been an indispensable guardian of the rule of law in Europe and beyond. It has provided guidance on constitutional reforms, electoral laws and judicial independence to both new and established democracies, helping to define the principles essential to a democratic system governed by the rule of law. The Assembly reiterates its appreciation of the close co-operation with the Venice Commission and its continuous high-quality contribution, to the Assembly's work, through its opinions and reports.
2. The Assembly refers to its [Resolution 2187 \(2017\)](#) "Venice Commission's Rule of Law Checklist", in which it welcomed the Venice Commission's Rule of Law Checklist as a new, uniform benchmark for measuring compliance with one of the founding principles of the Council of Europe, as well as a most relevant and valuable instrument to identify and analyse situations of concern in different countries. The Assembly endorsed the Checklist and decided to use it systematically in its work. It also invited national parliaments, governments, the Council of Europe as a whole and other international organisations to do the same.
3. The Assembly welcomes the Venice Commission's proactive stance in updating the Rule of Law Checklist to reflect contemporary challenges to the rule of law and the lessons drawn from developments in its 61 member States. Since its adoption in 2016, unprecedented challenges to the rule of law have emerged in several member States. Examples of rule of law backsliding in Europe and elsewhere include increasing attacks on judicial independence, non-compliance with the rulings of constitutional and international courts, and the gradual weakening of oversight mechanisms and civic space. Another worrying trend is the contempt for the international rule of law displayed by certain States and leaders, which often mirrors a pattern of disregard for the rule of law within their own domestic systems. Any State that adheres to the principles of the rule of law must be committed to upholding international law in its relationships with other States, as well as respecting the mandate and authority of international courts.
4. The Assembly welcomes the fact that "checks and balances" and "constitutional review" have now been raised to the rank of self-standing rule of law benchmarks within the updated Checklist. In this context, it reiterates that the independence of the judiciary and the principle of the separation of powers are part of the common basic constitutional traditions of Europe. Ombudspersons and independent national human rights institutions, which are part of the "checks and balances", also play an important role in safeguarding and promoting the rule of law.
5. The Assembly also welcomes the updated Checklist's transversal integration of the impact of new technologies on the rule of law. In light of its numerous resolutions and recommendations related to this matter, summarised in [Opinion 303 \(2024\)](#) "Draft framework convention on artificial intelligence, human rights, democracy and the rule of law", the Assembly reiterates that digital transformation, including the deployment of algorithmic systems and artificial intelligence in public administration, law enforcement and the justice sector, must be transparent, governed by clear legal bases, non-discrimination, explainability and

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 22 May 2026 (see [Doc. 16402](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Arusyak Julhakyany).*
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accountability. Effective impact assessments, independent oversight, secure and auditable procurement, robust data protection, and accessible and effective remedies are essential to uphold the rule of law in the digital age.

6. The Assembly emphasises the value of the updated Rule of Law Checklist for preventing democratic and rule of law backsliding. It appreciates the attention paid by the Checklist to the importance of restoring the rule of law following a period of regression, framing this as a holistic endeavour that must itself adhere to rule of law standards. It affirms that the updated Rule of Law Checklist provides a coherent, comparable and accessible framework that should be used by parliaments, governments, courts, oversight institutions, local and regional authorities, international organisations and civil society to assess and strengthen democratic resilience, diagnose systemic weaknesses and guide legislative and institutional reforms.

7. The Assembly endorses the Venice Commission's updated Rule of Law Checklist as a crucial, uniform and practicable benchmark for evaluating the resilience of democratic institutions and the health of the rule of law across all Council of Europe member States. It resolves to apply the updated Checklist, as appropriate, in its own country-specific monitoring procedures, in follow-up to election observation and in its thematic reports.

8. The Assembly calls on member and observer States of the Venice Commission to:

8.1. systematically integrate the updated Rule of Law Checklist into their domestic legislative drafting processes and constitutional reviews;

8.2. carry out periodic self-assessments using the updated Rule of Law Checklist, including before the adoption of emergency measures or major institutional reforms, and to publish the results;

8.3. request, where appropriate, opinions from the Venice Commission at the earliest stages of reform processes and ensure transparent follow-up to its recommendations;

8.4. promote the use of the updated Rule of Law Checklist and, to this end, facilitate the translation of the updated Rule of Law Checklist in the national language(s);

8.5. disseminate the Venice Commission's brochure entitled "The Rule of Law: A User Guide", to promote a better understanding of the rule of law and its importance in daily life.

9. The Assembly further calls on the European Union to:

9.1. use the updated Rule of Law Checklist as a common benchmark in its rule of law reporting and technical assistance to candidate countries and potential candidates for membership;

9.2. co-operate closely with the Venice Commission in promoting best practices, sharing data and supporting reforms in the European Union member States;

9.3. use the updated Rule of Law Checklist in its own institutional and legislative processes, where applicable.

10. The Assembly calls on the national parliaments of member and observer States of the Council of Europe, as well as those that enjoy observer or partner for democracy status with the Assembly, to raise awareness of the updated Rule of Law Checklist among civil society organisations, ombudspersons, national human rights institutions and the judiciary.

11. Finally, the Assembly welcomes the initiatives of the Secretary General of the Council of Europe aimed at reinforcing democratic security, in particular through the New Democratic Pact for Europe. It strongly agrees that the democratic security of Europe should be anchored in the European Convention on Human Rights (ETS No. 5) and believes that the updated Rule of Law Checklist should become a point of reference for rebuilding citizens' trust in democracy and its institutions.