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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

“ROLE OF THE CONSTITUTIONAL COURT IN THE PROTECTION OF DEMOCRATIC VALUES”

Conference on the occasion of the 5th anniversary of the Constitutional Court of Azerbaijan

Baku, 14-15 July 2003

SYNOPSIS

The seminar's aim was to analyse the position of the constitutional courts in the state structure and their role in the protection of democratic values.

The event was organised upon the request of and in co-operation with the Constitutional Court of Azerbaijan. Other co-organisers were the German Agency for Technical Cooperation (GTZ) and ABA-CEELI.

For the Venice Commission Mr Egidigius KURIS, President of the Constitutional Court of Lithuania, Mr Peter PACZOLAY, Hungarian Substitute member of the Venice Commission, Deputy Head, Office of the President of Hungary, Mr G. Buquicchio, Secretary of the Venice Commission and Ms T. Mychelova, External relations officer of the Venice Commission participated in the seminar.

Representatives of the constitutional courts of Georgia, Latvia, Kyrgyzstan, the Russian Federation, Ukraine and of the European Court of Human Rights took part in the seminar. The following Azeri institutions participated in the event: Milli Majlis, the Supreme and Appeal Courts and other courts, the Presidential administration, the Prosecutor's Office, the Ministries of Justice, Internal Affairs and National Security, the Ombudsperson and the Baku State University.

Apart from obvious functions of constitutional courts in the protection of democratic values like deciding on the admissibility of referenda or the suppression of political parties in some countries, the discussions focused on the position of the constitutional court in the system of democratic institutions as the guarantor of the constitution and, in particular, its role in the protection of human rights. The importance of the case-law of the European Court of Human Rights was stressed as well as the necessity to raise awareness on the Convention among the domestic legal professionals. The constitutional courts have taken the lead in the implementation of the Convention. Individual complaints to the constitutional courts have proved crucial for guaranteeing a proper level of human rights protection in some countries.

The Commission's delegation and other participants were received by the Speaker of the Parliament Mr Murtuz Aleskerov. The media coverage was substantial.

The seminar's proceedings will be published by the Constitutional Court of Azerbaijan with the assistance of GTZ, ABA-CEELI and the Venice Commission.