



Strasbourg, 7 February 2011

CDL-JU(2011)002
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
the Constitutional Court of Azerbaijan
the *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)*,
the Administration of the President of Azerbaijan
and the Azerbaijan Lawyers Confederation

**CONFERENCE CELEBRATING
THE 15TH ANNIVERSARY OF
THE CONSTITUTION OF AZERBAIJAN**

ON

**«CONSTITUTIONAL MECHANISMS FOR THE PROTECTION
OF HUMAN RIGHTS AND FREEDOMS»**

BAKU, 12 NOVEMBER 2010

SYNOPSIS

The Constitutional Court of Azerbaijan organised, in co-operation with the Venice Commission, the *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ), the Administration of the President of Azerbaijan and the Azerbaijan Lawyers Confederation, a conference dedicated to the 15th anniversary of the Constitution of Azerbaijan, on the topic "*Constitutional mechanisms for the protection of human rights and freedoms*" in Baku, Azerbaijan on 12 November 2010.

The Conference gathered together around 100 participants and was opened by the Chairman of the Constitutional Court, Mr Farhad Abdullayev. Participants to the conference included representatives of the President's Administration, representatives from the Milli Mejlis (Parliament), the Minister for Justice, the Prosecutor General, the Ombudsman, the Rector of the State University of Baku, four judges from the European Court of Human Rights, the Chairman of the Supreme Court of Kazakhstan, judges from the constitutional courts of Georgia, Germany, Kazakhstan, Moldova, Russia, Turkey and Ukraine; the Chairman of the International Union of Lawyers, the Chairman of the Union of Lawyers of Georgia, the Vice-Chancellor of the Odessa National and Law Academy, the Head of the ABA-CEELI office in Baku, the Head of the OSCE office in Baku and the Head of the GTZ project on "judicial and legal reforms in Azerbaijan". The Venice Commission rapporteurs were Justice Herbert Haller from the Constitutional Court of Austria and Professor Tania Groppi from the University of Siena, Italy who were accompanied by Ms Tanja Gerwien from the Secretariat of the Commission.

The Chairman of the Constitutional Court of Azerbaijan explained that the protection of human rights was a key objective of Azerbaijan and that this was set out in the Constitution of the country (Chapter three sets out a list of human rights). The participants discussed how human rights developed after the Second World War and how states started adopting specific provisions to protect human rights. They discussed the different systems of human rights protection that exist in Europe and the importance of the European Convention on Human Rights and the European Court of Human Rights in implementing these fundamental rights. They pointed out that this Court was sometimes referred to as a constitutional court because it is the guardian of the European Convention on Human Rights just as a constitutional court is the guardian of the constitution. However, that it is a Court of last resort and that human rights protection must begin in the country itself. Participants insisted that national and international judges influence each other and that they have a common responsibility devoted to human rights and fundamental freedoms. Participants also discussed the importance of exchanging information between constitutional courts in order to strengthen existing systems.

Participants discussed the importance of the execution/implementation of judgments, failing which there is no real access to justice and the importance for constitutional courts to be respected, without which their influence is jeopardised. They also mentioned the importance of the independence of judges and how in certain countries the constitutional court does not allow dissenting opinions in order to ensure that no pressure can be exercised on individual judges. The participants also dealt with the issue of social rights and how these are becoming increasingly important. The issue of the interpretation of ordinary laws by the constitutional court was also discussed by participants, giving the example of how in some countries two supreme courts can provide two different or even conflicting interpretations of laws, which then have to be harmonised by the constitutional court, which in turn can lead to conflicts between courts.

Participants agreed that there were many topics that came up during this conference that should be further discussed at future events.

The proceedings of the conference will be published by the Constitutional Court of Azerbaijan.