



**4th Congress of the World Conference on Constitutional Justice
"The Rule of Law and Constitutional Justice in the Modern World"**

**11-14 September 2017
Vilnius, Republic of Lithuania**

**Opening statement
by
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*Madam President of the Republic of Lithuania
Mr Speaker of the Parliament of the Republic of Lithuania,
Mr President of the Constitutional Court of Lithuania,
Honourable Presidents and Judges of Constitutional Courts and equivalent bodies,
Ambassadors, Ladies and Gentlemen,*

I am sure that you will agree with me when I say that, since the 3rd World Congress held in Seoul in 2014, we have experienced three eventful and tumultuous years, not only from the perspective of natural events – global warming and the dramatic calving this summer of a giant iceberg twice the size of Luxembourg off the Antarctic, not to mention the hurricanes and the earthquakes that have just occurred – but also the challenging political events sweeping across our continents, affecting our lives, especially from the perspective of the rule of law and constitutional justice!

You might disagree with me when I say that it seems to me that the world is facing one of the greatest challenges to the rule of law and constitutional justice since the Second World War – at least from the Western European perspective.

But, I will stand my ground and add that these are interesting times that we live in...and what better time than these interesting times to meet here in Vilnius for the 4th Congress of the World Conference on Constitutional Justice!

Ladies and Gentlemen,

Let me begin by thanking our hosts, the Constitutional Court of Lithuania as well as the Lithuanian authorities, for the excellent organisation of this 4th Congress of the World Conference on Constitutional Justice.

I would also like to extend, and join President Žalimas, my special thanks to Ms Ingrida Danėlienė, for her tireless work and efforts in the organisation of this important event!

However, I also have to inform you that not all member Courts of the World Conference could be with us today. The Judges of the Constitutional Court of the Russian Federation, who wanted to participate in this Congress, have not been allowed to enter the Lithuanian territory. We have strongly insisted on obtaining an exception from this travel ban for the 4th Congress, but to no avail. I must say that the Venice Commission also strongly criticised the annexation of Crimea by the Russian Federation. But in order to consolidate the rule of law we need dialogue and not confrontation.

*President of the Constitutional Court of Lithuania,
Ladies and Gentlemen,*

So far, each congress of the World Conference has met on a different continent: the first in Africa in 2009, the second in America in 2011, the third in Asia in 2014 and the fourth congress today, here in Europe – in Vilnius.

As you well know, the statute of the World Conference came into force in September 2011, and it gives me great pleasure to announce that we now have the honour and privilege of counting over 100 member courts of the World Conference!

Indeed, it is with the recent accession of the Federal Court of Malaysia, the Constitutional Court of the Central African Republic, the Council of Constitutional Inquiry of Ethiopia and the Supreme Court of Kenya, and since yesterday the Supreme Court of Ireland, that the World Conference on Constitutional Justice now counts 111 members.

The Venice Commission, of which I am the President, is the secretariat of the World Conference and is the Council of Europe's advisory body on constitutional matters created in 1990.

Most of you have appointed liaison officers with the Venice Commission, who provide us with summaries of the most important case law of your courts – case law which we include in our database called CODICES.

CODICES which contains over 9000 cases from nearly 100 courts from all around the world – is accessible on the internet, free of charge.

In between our Congresses, CODICES and the on-line Venice Forum are the tools for a permanent exchange of information between our member Courts. This exchange of information contributes to the dissemination and consolidation of a common constitutional heritage.

However, it is important that CODICES' existence be known within your Courts and in your country in general so that people can have access to and use the information that it contains.

*Mr President,
Ladies and Gentlemen,*

It is through your Secretary General, Mr Schnutz Dürr, and his team's dedication as well as to all of you present here, that the World Conference has met with the success it enjoys today and that it keeps attracting courts intent to become its members.

Organising congresses every three years gives us the opportunity to meet face to face and discuss current events affecting constitutional justice in the world.

This brings me back to the beginning of my presentation...I started by saying that we live in interesting times – and, in this respect, the topic of the 4th Congress raises a very good question, what indeed is the *rule of law and constitutional justice in the modern world?*

The Venice Commission has adopted a Rule of Law Checklist in 2016 – and we decided that, rather than to try and find a theoretical definition, we would identify the core elements of the Rule of Law and create an operational tool – a Checklist – to assess the level of compliance with the Rule of Law in any given state.

This Checklist gathers and codifies years of extensive work carried out by all the relevant Council of Europe bodies and offers this work in a handy, user-friendly format. We therefore believe that the Checklist represents a “Council of Europe product” and I would like to invite all states to initiate an analysis of their level of compliance with the Rule of Law, by launching a self-assessment exercise based on this Checklist.

As for constitutional justice, the barometer on whether or not it is functioning in any given country will often be the respect the countries' constitutional courts and courts with equivalent jurisdiction enjoy. When their work is questioned, their judges pressurised or threatened and their judgments not implemented, these are clear signs that constitutional justice is in danger.

Ladies and Gentlemen,

As is our usual practice for the congresses of the World Conference, we will have a stock-taking exercise on the independence of constitutional courts and courts with equivalent jurisdiction, which was the theme of our 2nd Congress in Rio de Janeiro in 2011.

This stock-taking exercise is the result of the wise decision made by the Bureau of the World Conference to include this as a permanent topic in future congresses of the World Conference.

Therefore, in session 5, we will turn to that topic and discuss the threats made to the independence of the court members of the World Conference.

Let me remind you that Article 4 of the Statute empowers the Bureau of the World Conference to offer its good services when a court member calls upon it for help – and it is important to remember that, sometimes, moral encouragement and support from other courts can provide help to a court that has come under pressure and enable it to stand up against this pressure.

In this respect, I would like to support the courageous statement made by the Conference of Constitutional Jurisdictions of Africa in favour of the Kenyan Supreme Court which has recently come under severe pressure from the President of their country.

This is a role that the Venice Commission also knows well and which it is sadly becoming all too familiar with.

Mr President,

These are indeed interesting times that we are living in... and we might indeed be facing one of the greatest challenges to the rule of law and constitutional justice – but I strongly believe that it is our duty to take on this challenge and ensure that the rule of law and constitutional justice prevail.

It is also by establishing contacts and exchanging information within the framework of the World Conference and in particular here at our Congress that we can strengthen our member Courts. And I would like to begin by inviting each and every one of you to take on the challenge today and tomorrow to try and meet at least three people from Courts of different continents while you are here!

Thank you very much for your attention.
