



3rd Congress of the World Conference on Constitutional Justice 'Constitutional Justice and Social Integration'

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Seoul, Republic of Korea

Closing address by Mr Philippe Boillat, Director General Philippe BOILLAT, Council of Europe, on behalf of the Secretary General of the Council of Europe

Monsieur le Président,
Excellences,
Mesdames et Messieurs,

C'est un privilège et un réel plaisir pour moi, au nom du Secrétaire Général du Conseil de l'Europe, M. Thorbjørn Jagland, que j'ai l'honneur de représenter aujourd'hui, de prendre la parole sur un sujet de la plus haute importance pour les 47 Etats membres du Conseil de l'Europe : la justice constitutionnelle.

Nous sommes particulièrement heureux de la tenue de ce 3^{ème} Congrès de la Conférence mondiale sur la justice constitutionnelle ici, en Corée, un pays qui s'est résolument engagé sur la voie de la démocratie, du respect des droits de l'homme et de l'Etat de droit.

Je tiens à mon tour à remercier vivement la Cour constitutionnelle de la Corée et vous-même, Monsieur le Président, de l'excellente organisation de cette manifestation, de votre accueil chaleureux et de votre généreuse hospitalité.

Mr President,

The Council of Europe is the parent organisation of the Venice Commission, which acts as the Secretariat for the World Conference on Constitutional Justice. The Council of Europe can be proud of what the World Conference has accomplished with the assistance of the Venice Commission.

As the Secretariat, the Venice Commission not only provides logistic assistance to the World Conference, it also brings values. I am pleased to read in the Statute of the World Conference the same principles as those of the Council of Europe: democracy, the protection of human rights

and the rule of law. I can assure you that the Council of Europe will continue to fully support your Secretariat in the pursuit of these goals.

Mr President,

You made the proposal to establish an Asian Court of Human Rights. On behalf of the Council of Europe, I warmly welcome this initiative. We are ready to share our experience in establishing the European Court of Human Rights with likeminded Asian States which are willing to take part in this important endeavour. Establishing a genuine regional human rights court is a challenging task, but I am confident that you will take on this task with conviction and I wish you every success.

It is also with great interest that we take note that there is a similar initiative within the Arab countries. We are of course ready to co-operate with these countries as well.

Mr President,

During these two days, we have had ample occasion to discuss various aspects of the important role of constitutional courts in promoting social integration. The topic of this 3rd Congress is also very close to the goals of the Council of Europe. Social integration has a firm link to human rights. Social rights are human rights, even if the enforcement of social rights may differ in some respects.

This was referred to during this Congress, in the Council of Europe, we have established a special mechanism for the protection of social rights, the European Committee of Social Rights which supervises the implementation of the European Social Charter. This legally binding instrument not only sets out such rights as housing, health, education, employment but it also provides a collective complaint mechanism open to employers' organisations and trade unions in order to guarantee these rights. Many other activities of the Council of Europe, for example the protection of minorities, contribute to social integration.

In Europe but also in other parts of the World, countries struggle with the effects of a profound economic crisis which seriously endangers social cohesion. This crisis leads to unemployment, a lack of public funds and a reduction of welfare services, which in turn had a very negative effect on the economy and on social integration.

The Governments and Parliaments have to react to such crises and they are sometimes obliged to take drastic measures. However, our discussions have shown that the Courts and notably Constitutional Courts are able to ensure that such measures remain within the framework of the Constitution. Constitutional rights have to be respected not only in times of affluence, when this may be easy, but also in times of crisis.

Finally, Mr President, this Congress has rightly focused on the independence of the Constitutional Courts. We have heard about pressure exerted on several of the participating Courts, but this should not discourage you. I am delighted that this issue is, from now on, a permanent topic on the agenda of your World Conference congresses. In Europe and abroad, the Council of Europe strongly supports judicial independence and in particular the independence of Constitutional Courts. An independent and efficient judiciary is the cornerstone of a genuine democracy. We have seen that courageous constitutional judges can make a difference. It is up to each one of you to defend your Constitution, even in difficult circumstances.

I wish you every success in this noble task and I thank you very much for your attention.