



**World Conference on Constitutional Justice
Cape Town, 22–24 January 2009**

**Theme: “Influential Constitutional Justice: its influence on society
and on developing a global human rights jurisprudence”**

**organised by
the Constitutional Court of South Africa
and
the Venice Commission**

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FINAL DECLARATION

On 22-24 January 2009, the Constitutional Court of the Republic of South Africa and the Venice Commission of the Council of Europe hosted the World Conference on Constitutional Justice on the topic “Influential Constitutional Justice - its influence on society and on developing a global jurisprudence on human rights” in Cape Town. This event coincided with the 60th anniversary of the Council of Europe and the Universal Declaration of Human Rights.

The organisers are grateful for the support of the Ministry for Justice and Constitutional Development of South Africa, the Government of Norway and the North South Centre of the Council of Europe. The organisers would also like to acknowledge the significant role played by the regional and linguistic groups in the preparation of the Conference, in particular during the preparatory meetings held in Vilnius, Seoul and Algiers.

Participants from 93 Constitutional Courts, Constitutional Councils and Supreme Courts with constitutional, including human rights jurisdiction participated in this Conference.

The World Conference brought together for the first time Courts and Councils, which belong to the following various regional or linguistic groups:

- Asian Constitutional Courts
- the Association of Constitutional Courts using the French Language (ACCPUF)
- Commonwealth Courts
- the Conference of Constitutional Control Organs of Countries of Young Democracy (CCCOCYD)
- the Conference of European Constitutional Courts (CECC)
- the Ibero-American Conference on Constitutional Justice (CIJC)
- the Southern African Judges Commission (SAJC)
- the Union of Arab Constitutional Courts and Councils (UACCC)

- the group of Portuguese-speaking Courts.

The World Conference concluded that constitutional justice is a key element in fostering and deepening the basic values enshrined in the Constitutions that form the basis of the work of the Courts and Councils which participated in the World Conference. Their decisions have a decisive impact on society.

The participants of the Conference underlined the paramount importance of the respect for human rights in all parts of the World and insisted that governments must implement international human rights instruments.

The presentations and discussions at the World Conference showed a common concern for the defence of human rights and the rule of law, both on a regional and a global level. One element identified as being at the heart of this jurisprudential trend is the unifying force of the Universal Declaration on Human Rights and the UN Covenants. Other elements are the decisions of regional Courts such as the European Court of Human Rights, the Inter-American Court of Human Rights or the African Court of Human Rights. Mutual inspiration is also increasingly drawn from the case-law of peer Courts of other countries and even other continents, which gives rise to cross-fertilisation between the Courts on a worldwide scale. While constitutions differ, the basic principles underlying them, in particular the protection of human rights and human dignity and respect for the Constitution and the rule of law, form a common ground. Legal reasoning in respect of the application of these principles in one country can be a source of inspiration in another country, notwithstanding the differences in their Constitutions.

Consequently, the exchange of information and experience between the Courts and Councils should be reinforced on a regional and global basis. The participants of the World Conference endorse and support the regional and linguistic groups and call upon their members to use the tools for exchange of information and experience provided by the Venice Commission, notably the CODICES database (www.CODICES.coe.int) and the on-line Venice Forum.

The participants agreed on the value of the present World Conference. They entrusted a Bureau, composed of the Presidents of the regional groups and the three Courts which hosted the preparatory meetings, assisted by the Venice Commission, with the goal of organising a second World Conference on Constitutional Justice within three years. The Bureau is also entrusted with making proposals for the establishment of a World Association open to the Courts belonging to the regional or linguistic groups.