

**INTERNATIONAL CONFERENCE
«A CONSTITUTION: THE EMBODIMENT OF THE VALUES OF THE RULE OF LAW,
CIVIL SOCIETY AND THE MODERN STATE»
DEDICATED TO THE DAY OF THE CONSTITUTION
OF THE REPUBLIC OF KAZAKHSTAN
Astana, 28-29 August 2018**

**Presentation by
Mr Schnutz Rudolf Dürr
Secretary General of the World Conference on Constitutional Justice
Head of the Constitutional Justice Division
of the Venice Commission of the Council of Europe**

*Ms Secretary of State,
Mr Chairman of the Constitutional Council,
Chairmen and Judges,
Excellencies,
Ladies and Gentlemen,*

It is a pleasure for me to be in Astana today to open this international conference on “*A constitution: the embodiment of the values of the Rule of Law, civil society and the modern state*».

Let me congratulate you on this day of the Constitution of the Republic of Kazakhstan!

I am pleased to see that this event brings together constitutionalists from many countries. The annual conferences in Astana have become an important forum for exchanging experiences and new ideas.

You have chosen a very relevant topic for this conference. With this title you remind us of the importance of constitutional values and you rightly place particular emphasis on the Rule of Law.

The Rule of Law is one of the pillars of international law as well as of national constitutional law in general.

The Rule of Law is a substantial value, not only a formal requirement.

We must make sure not to mix up the “Rule of Law” with the mere “rule by laws”.

Following thorough preparatory work, in 2016, the Venice Commission adopted the Rule of Law Checklist, which translates the main principles on which the Rule of Law is based – legality; legal certainty; prevention of abuse of power; equality before the law and non-discrimination; and access to justice – into concrete questions.

This Checklist enables public authorities as well as other stakeholders to facilitate the implementation of the Rule of Law, by identifying the possible problems and remedying them.

The title of our conference also refers to civil society and the modern state. The constitutional rights to freedom of association and of assembly are indeed fundamental elements of a modern state.

A vibrant and diverse civil society is an essential part of checks and balances in a democracy.

All of these elements are enshrined in our constitutions. A constitution provides guidance for a nation.

A constitution is not a mere collection of noble declarations. A constitution must be implemented in order to be of use to society.

It is constitutional courts and councils that are the independent guarantors of their state's constitutions and hence of the fundamental values they contain.

It is therefore crucial that these courts' independence be upheld and respected.

The Venice Commission and the World Conference on Constitutional Justice are here to support the constitutional courts whenever needed.

*Mr President,
Ladies and Gentlemen,*

Kazakhstan is a full member of the Venice Commission since March 2012 and since your accession, you have made good use of your membership.

The Kazakh authorities requested a number of opinions on important topics, such as draft amendments to the Constitution, the ombudsman institution, judicial ethics, the judicial system and the status of judges.

The Constitutional Council requested an *amicus curiae* opinion on the Kazakh participation in a customs union. In its opinion, the Venice Commission welcomed the 2017 constitutional reform.

Upon a recent request made by the Ministry of Justice of Kazakhstan, we are currently preparing an opinion on the draft administrative procedure code, which will be discussed at our next plenary session in October.

The Venice Commission is particularly close to the Constitutional Council of the Republic of Kazakhstan.

Our excellent co-operation with this institution under Chairman Rogov, who is the Kazakh member of the Venice Commission, continues with Chairman Mami.

Recently, the Constitutional Council of Kazakhstan took up a very important role - that of the chairmanship of the Conference of Constitutional Control Organs of the Countries of New Democracy.

Chairman Mami was unanimously confirmed as the Chair of this Conference.

We were pleased to learn that as a consequence of this nomination, Chairman Mami became a member of the Bureau of our World Conference on Constitutional Justice where he represents the New Democracies.

I look forward to the meeting of the New Democracies Conference here in Astana. The New Democracies are a founding pillar of the World Conference, which now has 112 Member Courts and Councils.

I am convinced that, under the Kazakh chairmanship, the relationship between the Venice Commission, the New Democracies Conference and the Constitutional Council of Kazakhstan will be further strengthened.

*Mr President,
Ladies and Gentlemen,*

Please allow me to conclude my presentation by wishing your country a Happy Constitution Day. Your Constitution is an important guide for your country, the Republic of Kazakhstan!

Thank you very much for your attention.