

# 5<sup>TH</sup> CONGRESS OF THE WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE

## "CONSTITUTIONAL JUSTICE AND PEACE"

hosted by the Constitutional Court of Indonesia  
Bali, 4-7 October 2022





**5<sup>TH</sup> Congress  
of the  
World Conference on  
Constitutional Justice**

**hosted by the  
Constitutional Court of Indonesia**

**Bali, Indonesia  
4-7 October 2022**

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# **5<sup>TH</sup> CONGRESS OF THE WCCJ ON "CONSTITUTIONAL JUSTICE AND PEACE"**

**4-7 OCTOBER 2022  
BALI, INDONESIA**

## **PROGRAMME**

**TUESDAY, 4 OCTOBER 2022**

nb. Times are GMT +8

**JOINT CONFERENCE OF AACC AND CCJA  
Singaraja Hall**

**09:00 – 09:35 Opening Session**

- Chief Justice of the Constitutional Court of Indonesia, H.E. Mr. Anwar Usman
- President Emeritus / Special Representative of the Venice Commission, H.E. Gianni Buquicchio

Group photo

**09:40 – 11:10 Session #1** (Other Groups / Associations are Welcomed to Join the 1st Session)  
**"Constitutional Jurisdictions and Protection of Fundamental Rights: Crossed Looks from Africa and Asia"**

**Speakers:**

1. AACC Member (Indonesia), H.E. Arief Hidayat
2. CCJA Member (Algeria), H.E. Abdelouhab KHERIEF
3. AACC Member (Türkiye), H.E. Zühtü Arslan
4. CCJA Member (Ethiopia), H.E. Meaza Schenafi

**Moderator:** Mr. Moussa Laraba, Permanent Secretary General  
CCJA

**11:10 – 11:55 Session #2 (2<sup>nd</sup> Session is limited to AACC and CCJA Member Countries Only)**

[Displaying the draft of AACC-CCJA Joint Statement]

1. Summary of the AACC-CCJA Joint Conference
2. Recommendation for the 2<sup>nd</sup> AACC-CCJA Conference
3. Finalising the draft of AACC-CCJA Joint Conference

**Moderator:** H.E. M. Guntur Hamzah, Head of AACC, Permanent Secretariat for Planning and Coordination

**12:00 – 12:30 Closing:**

- President of AACC, (Mongolia), H.E. Chinbat Namjil
- President of CCJA, (Angola),  
H.E. Laurinda Prazeres Monteiro Cardoso
- Pronouncing the AACC-CCJA Joint Statement by the Deputy Chief Justice of the Constitutional Court of Indonesia, H.E. Prof. Dr. Aswanto

12:30 – 13:30 Lunch (Served as of 11.00)

## REGIONAL / LINGUISTIC GROUP MEETINGS

<b>12:30 – 14:00</b> Nusa Dua Hall 2	Conference of Constitutional Jurisdictions of the Portuguese-Speaking Countries (CJCLP)
<b>12:30 – 14:00</b> Nusa Dua Hall 3	Commonwealth Courts
<b>14:15 – 15:45</b> Nusa Dua Hall 4	Association of Asian Constitutional Courts and Equivalent Institutions (AACC)
<b>14:15 – 15:45</b> Nusa Dua Hall 2	Southern African Chief Justices Forum (SACJF)
<b>14:15 – 15:45</b> Nusa Dua Hall 3	Ibero-American Conference of Constitutional Justice (CIJC)
<b>14:15 – 15:45</b> Singaraja Hall 2	Association of Francophone Constitutional Courts (ACCF)
15:45 – 16:00	Coffee break
<b>16:00 – 17:30</b> Singaraja Hall 2	Conference of Constitutional Jurisdictions of Africa (CCJA)
<b>16:00 – 17:30</b> Nusa Dua Hall 2	Eurasian Association of Constitutional Review Bodies (EACRB)
<b>16:00 – 17:30</b> Nusa Dua Hall 3	Union of Arab Constitutional Courts of Councils (UACCC)
<b>16:00 – 17:30</b> Nusa Dua Hall 4	Conference of European Constitutional Courts (CECC)
<b>17:45 – 19:45</b> Singaraja Hall 1	<b>MEETING OF THE WCCJ BUREAU</b> (Bureau Members Only)
<b>20:00 - 22:00</b>	<b>Welcome Dinner</b> <b>The Ritz Carlton Hotel, Nusa Dua</b>

# WEDNESDAY, 5 OCTOBER 2022

## THE 5<sup>TH</sup> CONGRESS OF THE WCCJ - DAY 1

### Nusa Dua Hall

08:00 Arrival  
of participants

**09:00 - 09:25** Honorary Speech by the Minister of Foreign Affairs,  
H.E. Retno Marsudi

#### **09:25 – 10:35 Session A - Sources and Jurisdiction**

##### **Chair:**

H.E. Mr. Omar Belhadj, President of the Constitutional Council of Algeria

##### **Keynote Speaker:**

H.E. Mr. Anwar Usman, Chief Justice of the Constitutional Court of  
Indonesia

##### **Discussant:**

H.E. Ms. Simina Tănăsescu, Judge of the Constitutional Court of Romania

##### **Rapporteur:**

H.E. Ms. Joana Fernandes Costa, Judge of the Constitutional Court of  
Portugal

##### **Discussion**

10:35 – 10:50 Coffee Break

#### **10:50 – 12:00 Session B - Application**

##### **Chair:**

H.E. Mr. Kairat Mami, Chairman of the Constitutional Council of  
Kazakhstan

##### **Keynote Speaker:**

H.E. Mr. Zühtü Arslan, President of the Constitutional Court of Türkiye

##### **Discussant:**

H.E. Mr. Aldis Laviņš, President of the Constitutional Court of Latvia

##### **Rapporteur:**

H.E. Mr. Nadir Elmoumni, Judge of the Constitutional Court of Morocco

##### **Discussion**

12:00 - 13:15 Lunch break

**13:20 – 14:30 Session C - Limitation of the Role of Constitutional Courts in Maintaining Peace**

**Chair:**

H.E. Mr. Adel Omar Sherif, Deputy Chief Justice of the Supreme Constitutional Court of Egypt

**Keynote Speaker:**

H.E. Mr. Emil Oskonbaev, Chairman of the Constitutional Court of Kyrgyzstan

**Discussant:**

H.E. Ms. Laurinda Prazeres Monteiro Cardoso, President of the Constitutional Court of Angola

**Rapporteur:**

H.E. Mr. Candido Conde-Pumpido Touron, Judge of the Constitutional Court of Spain

**Discussion**

14:30 – 15:45 Coffee break

**15:45 – 17:25 OFFICIAL OPENING CEREMONY**

National Anthem of Indonesia: Indonesia Raya  
Dance performance

**Remarks:**

- President Emeritus / Special Representative of the Venice Commission, H.E. Gianni Buquicchio
- Chief Justice of the Constitutional Court of Indonesia, H.E. Anwar Usman

**Opening Remarks:**

President of the Republic of Indonesia, H.E. Joko Widodo

Hymn of the Constitutional Court of Indonesia  
Group Photo

**19:30 – 21:30 GALA DINNER  
MULIA HOTEL GRAND BALLROOM**

# THURSDAY, 6 OCTOBER 2022

## THE 5<sup>TH</sup> CONGRESS OF THE WCCJ - DAY 2 Nusa Dua Hall

**09:35 – 10:45** **Session D - Fundamental Principles: The Protection of Human Rights, Democracy, and the Rule of Law as a Pre-Condition to Peace**

**Chair:**

H.E. Mr. Milton Ray Guevara, President of the Constitutional Court of the Dominican Republic

**Keynote Speaker:**

H.E. Mr. Namseok Yoo, President of the Constitutional Court of Korea

**Discussant:**

H.E. Ms. Lúcia da Luz Ribeiro, President of the Constitutional Council of Mozambique

**Rapporteur:**

H.E. Mr. Farhad Abdullayev, Chairman of the Constitutional Court of Azerbaijan

**Discussion**

**10:50 – 12:00** **Session E - Stocktaking on the Independence of the Member Courts**

**Chair:**

H.E. Mr. Christoph Grabenwarter, President of the Constitutional Court of Austria

**Keynote Speaker:**

H.E. Ms. Silvana Sciarra, President of the Constitutional Court of Italy

**Discussant:**

H.E. Mr. Palan Mulonda, Judge of the Constitutional Court of Zambia

**Rapporteur:**

H.E. Ms. Danutė Jočienė, President of the Constitutional Court of Lithuania

**Discussion**

12:00 – 13:30 Lunch Break

**13:30 – 14:30 Presentation of Venice Commission's Database  
CODICES and e-Bulletin**

**Speaker:** H.E. Mr. Schnutz Rudolf Dürr, Secretary General of the  
World Conference on Constitutional Justice

**14:30 – 15:30 CLOSING SESSION & REPORT BY RAPPORTEURS**

**Rapporteurs:**

- **Session A** - H.E. Ms. Joana Fernandes Costa, Judge of the Constitutional Court of Portugal
  - **Session B** - H.E. Mr. Nadir El Moumeni, Judge of the Constitutional Court of Morocco
  - **Session C** - H.E. Mr. Candido Conde-Pumpido Touron, Judge of the Constitutional Court of Spain
  - **Session D** - H.E. Mr. Farhad Abdullayev, Chairman of the Constitutional Court of Azerbaijan
  - **Session E** - H.E. Ms. Danutė Jočienė, President of the Constitutional Court of Lithuania
- Discussion**

**15:30 – 16:30 GENERAL ASSEMBLY OF THE WCCJ**  
(Member Courts of the WCCJ only)

**16:30 – 17:00 CLOSING CEREMONY OF THE 5<sup>TH</sup> CONGRESS**

**Remarks:**

- President Emeritus / Special Representative of the Venice Commission, H.E. Gianni Buquicchio
- Chief Justice of the Constitutional Court of Indonesia, H.E. Anwar Usman

**19:30 – 21:30 Farewell Dinner**  
**Taman Bhagawan**

# FRIDAY, 7 OCTOBER 2022

## CULTURAL PROGRAMME

**09:00 – 12:00** Cultural Activity Wonderful Indonesia #1

**12:00 – 13:30** Lunch Break (provided by Host) / Friday Prayer

**13:30 – 16:00** Cultural Activity Wonderful Indonesia #2

**19:00 – 20:00** Dinner

To ensure your comfort during your adventure, we recommend that you wear comfortable attire during our Cultural Activities.

**Concept Paper**  
**approved at the 14<sup>th</sup> meeting**  
**of the**  
**Bureau of the World Conference on Constitutional Justice,**  
**Santo Domingo, 8 February 2019**

## **Introduction**

The World Conference on Constitutional Justice unites 119 constitutional courts and councils and supreme courts (hereinafter, “constitutional courts”) in Africa, the Americas, Asia, Australia/Oceania and Europe.

It promotes constitutional justice – understood as constitutional review including human rights case-law – as a key element for democracy, the protection of human rights and the rule of law. These fundamental principles are closely linked to peace.

The 5<sup>th</sup> Congress of the World Conference in Bali in 2022 will deal with the topic “Constitutional Justice and Peace”.

## **Definition of peace**

For the purpose of the discussions at the 5<sup>th</sup> Congress, the topic of “peace” is not the concept of public international law that relates to interstate conflicts because they are typically out of the remit of constitutional courts.

The concept of peace is perceived in the sense of peace within the state, as the peaceful settlement of conflicts. This notion therefore refers to foremost to social peace and thus relates to all countries, on all continents.

In some countries the constitutional courts also had an essential role in pacifying the situation following internal armed conflict and some constitutions explicitly refer to peace and reconciliation as a goal to be achieved. The topic of the 5<sup>th</sup> Congress includes discussion of such experiences.

## **Jurisdiction of Constitutional Courts**

Many constitutional courts have in common the exercise of a multiple control mission, including that of the constitutionality of norms, the settlement of disputes between state bodies and that of the regularity of the electoral processes leading to the election of the authorities producing these norms. In all these functions, constitutional courts can be an actor of regulation and stabilisation of political life and thus contribute to achieving peace.

## **Constitution itself as a problem, role of the constitutional judge**

While conflict often originates in the political sphere and can have numerous causes, even the constitution itself can – through its provisions or the absence of provisions - lead to deficiencies, which result in conflict. In interpreting the constitution, the constitutional judge can make a positive contribution by attenuating the cause of conflict. The constitutional judge can thus contribute to pacifying the political life by favouring solutions that remain within the framework of the constitutional order.

It may also happen that a constitutional interpretation of the Court is itself challenged and provokes violent reactions.

## **Fundamental principles: Human Rights protection / Democracy / Rule of Law**

Human rights are an essential part of modern constitutions and in countries without such explicit provisions the courts have developed human rights case-law. The protection of human rights is a precondition to the settlement of conflicts and to peace. As key actors in the promotion of human rights, constitutional courts directly contribute to social peace.

The safeguarding of democratic principles by the constitutional court too contributes to peaceful relations between majority and opposition and a peaceful transition of government following elections. By ensuring the regularity of the electoral process and that state actors respect the Constitution, the constitutional court can also contribute to the reinforcement of the legitimacy of the representatives of the citizens and of their acts and make them acceptable even to those who oppose these acts.

By ensuring the respect for the rule of law, the constitutional court contributes to the citizens' trust in the law and the courts. This confidence is further enhanced by the implementation of the individual's access to the Constitutional Court (direct access or exception of unconstitutionality). This is a precondition for peaceful recourse to the courts rather than to violent action.

### **Preventive function**

Courts are usually called to settle conflicts between the parties and their – after any appeals – final judgment settles conflict with binding force. The settlement of past conflicts also has a preventive function. The knowledge about settled case-law often allows the potentially conflicting parties to know their rights and to come to an agreement on the basis of the existing case-law, without the need to bring a new case. The very existence of the courts and the knowledge about their function to bring a final settlement therefore contributes to social peace.

### **Limitations**

While the role of constitutional courts in achieving and maintaining peace is undoubtedly important, there are also limits to what they can achieve. As opposed to political organs, constitutional courts cannot act upon their own initiative; they are limited by referrals. They cannot offer an “ideal” solution, they are bound by the law and they only settle the conflict that was presented to them. The courts may be aware of other similar cases but without referral, they cannot settle situations for which they have no jurisdiction.

## **Sharing of experience**

These questions relate to all courts members of the World Conference on Constitutional Justice. The participants of the 5<sup>th</sup> Congress are invited to share their experiences on the role of their courts in preventing conflict, maintaining peace and settling disputes that otherwise result in conflict.

The global dialogue in the framework of the World Conference should enable the Member Courts to learn from successes but also from failures of their peers and should help them preparing for similar challenges in their own country.

In addition to the special session on the stocktaking on the independence of the Courts, the theme of the Congress will be subdivided into the following four sub-topics:

- A. Sources and Jurisdiction
- B. Application
- C. Limitations of the role of constitutional courts in maintaining peace
- D. Fundamental principles: the protection of human rights, democracy and the rule of law as a precondition to peace

## **WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE**

The World Conference on Constitutional Justice unites 119 constitutional courts and councils and supreme courts in Africa, the Americas, Asia, Australia/Oceania and Europe. It promotes constitutional justice – understood as constitutional review including human rights case-law – as a key element for democracy, the protection of human rights and the rule of law (Article 1.1 of the Statute).

According to its Statute, the World Conference has three organs, the General Assembly, the Bureau and the Secretariat. The General Assembly is chaired by the Host Court of the Congress. The last host was the Constitutional Court of the Republic of Lithuania. The Presidency of the Bureau is ensured for one year by rotation between the groups. The Presidency of the Bureau is therefore not that of an individual Court but of a group of Courts. It is up to the groups to designate their representative. The Venice Commission acts as the Secretariat of the World Conference.

The World Conference pursues its objectives through the organisation of regular congresses, by participating in regional conferences and seminars, by sharing experiences and case-law and by offering good services to members on their request (Article 1.2 of the Statute).

The main purpose of the World Conference is to facilitate judicial dialogue between constitutional judges on a global scale. Due to the obligation of judicial restraint, constitutional judges sometimes have little occasion to conduct a constructive dialogue on constitutional principles in their countries. The exchanges that take place between judges from various parts of the world in the World Conference furthers reflection on arguments, which promote the basic goals inherent to national constitutions. Even if these texts often differ substantially, discussion on the underlying constitutional concepts unites constitutional judges from various parts of the world committed to promoting constitutionality in their own country.

As these judges sometimes find themselves in situations of conflict with other state powers because of decisions they had to hand down based on the Constitution, being part of the World Conference provides them with a forum that not only allows them to exchange information freely with their peers, but where judges from other countries can also offer moral support. This can be important in upholding constitutional principles, which the judges are called upon to defend in their line of work.

The courts and councils, members of and committed to the principles of the World Conference may see their membership suspended by the General Assembly of the World Conference in case of flagrant violation of these principles.

The following courts or councils have given written notification about their accession to the Venice Commission, which acts as the Secretariat of the World Conference (status June 2022):

1. Albania, Constitutional Court
2. Algeria, Constitutional Council
3. Andorra, Constitutional Court
4. Angola, Constitutional Court
5. Armenia, Constitutional Court
6. Australia, High Court
7. Austria, Constitutional Court
8. Azerbaijan, Constitutional Court
9. Bahrain, Constitutional Court
10. Belarus, Constitutional Court
11. Belgium, Constitutional Court
12. Benin, Constitutional Court
13. Bosnia and Herzegovina, Constitutional Court
14. Brazil, Federal Supreme Court
15. Bulgaria, Constitutional Court
16. Burkina Faso, Constitutional Council
17. Burundi, Constitutional Court
18. Cambodia, Constitutional Council
19. Cameroon, Constitutional Council
20. Canada, Supreme Court
21. Cape Verde, Constitutional Court

22. Central African Republic, Constitutional Court
23. Chad, Supreme Court
24. Chile, Constitutional Court
25. Colombia, Constitutional Court
26. Comoros, Supreme Court
27. Congo (Brazzaville), Constitutional Court
28. Congo, Democratic Republic, Constitutional Court
29. Costa Rica, Constitutional Chamber of the Supreme Court
30. Côte d'Ivoire, Constitutional Council
31. Croatia, Constitutional Court
32. Cyprus, Supreme Court
33. Czech Republic, Constitutional Court
34. Denmark, Supreme Court
35. Djibouti, Constitutional Council
36. Dominican Republic, Constitutional Court
37. Ecuador, Constitutional Court
38. Egypt, Supreme Constitutional Court
39. Equatorial Guinea, Constitutional Court
40. Estonia, Supreme Court
41. Eswatini, Supreme Court
42. Ethiopia, Council of Constitutional Inquiry
43. Finland, Supreme Administrative Court
44. Finland, Supreme Court
45. France, Constitutional Council
46. Gabon, Constitutional Court
47. Georgia, Constitutional Court
48. Germany, Federal Constitutional Court
49. Ghana, Supreme Court
50. Guinea, Constitutional Court
51. Guinea-Bissau, Supreme Court of Justice
52. Hungary, Constitutional Court
53. Indonesia, Constitutional Court
54. India, Supreme Court
55. Ireland, Supreme Court
56. Israel, Supreme Court
57. Italy, Constitutional Court
58. Jordan, Constitutional Court
59. Kazakhstan, Constitutional Council
60. Kenya, Supreme Court

61. Korea, Republic, Constitutional Court
62. Kosovo, Constitutional Court
63. Kuwait, Constitutional Court
64. Kyrgyzstan, Constitutional Court
65. Latvia, Constitutional Court
66. Lithuania, Constitutional Court
67. Lebanon, Constitutional Council
68. Luxembourg, Constitutional Court
69. Madagascar, High Constitutional Court
70. Malaysia, Federal Court
71. Mali, Constitutional Court
72. Mauritania, Constitutional Council
73. Mauritius, Supreme Court
74. Mexico, Supreme Court
75. Mexico, Electoral Court of the Federal Judiciary
76. Moldova, Constitutional Court
77. Monaco, Supreme Court
78. Mongolia, Constitutional Court
79. Montenegro, Constitutional Court
80. Morocco, Constitutional Court
81. Mozambique, Constitutional Council
82. Namibia, Supreme Court
83. Netherlands, Council of State
84. Netherlands, Supreme Court
85. Nicaragua, Constitutional Chamber of the Supreme Court
86. Niger, Constitutional Court
87. North Macedonia, Constitutional Court
88. Norway, Supreme Court
89. Pakistan, Supreme Court
90. Palestine\*, Supreme Constitutional Court
91. Panama, Supreme Court
92. Peru, Constitutional Court
93. Poland, Constitutional Tribunal
94. Portugal, Constitutional Court
95. Romania, Constitutional Court
96. Russia, Constitutional Court
97. Samoa, Supreme Court
98. São Tomé and Príncipe, Supreme Court / Constitutional Court
99. Senegal, Constitutional Council

100. Serbia, Constitutional Court
101. Seychelles, Supreme Court
102. Slovakia, Constitutional Court
103. Slovenia, Constitutional Court
104. Somalia, Supreme Court
105. South Africa, Constitutional Court
106. Spain, Constitutional Court
107. Sweden, Supreme Administrative Court
108. Sweden, Supreme Court
109. Switzerland, Federal Court
110. Tajikistan, Constitutional Court
111. Tanzania, Court of Appeal
112. Thailand, Constitutional Court
113. Togo, Constitutional Court
114. Türkiye, Constitutional Court
115. Uganda, Supreme Court
116. Ukraine, Constitutional Court
117. Uzbekistan, Constitutional Court
118. Zambia, Supreme Court
119. Zimbabwe, Constitutional Court

\*This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

## **History of the World Conference**

Since 1996, the Venice Commission has established co-operation with a number of regional or language based groups of constitutional courts, in particular the Conference of European Constitutional Courts, the Association of Constitutional Courts using the French Language, the Southern African Judges Commission, the Conference of Constitutional Control Organs of Countries of New Democracy, the Association of Asian Constitutional Courts and Equivalent Institutions, the Union of Arab Constitutional Courts and Councils, the Ibero-American Conference of Constitutional Justice and the Conference of Constitutional Jurisdictions of Africa.

In pursuit of the goal of uniting these groups and their members, the Venice Commission had organised a Congress of the World Conference on Constitutional Justice for the first time, held in Cape Town, South Africa on 23-24 January 2009 and hosted by the Constitutional Court of South Africa. This event gathered 9 regional or linguistic groups and some 90 courts.

On the basis of a declaration adopted at this occasion, the Venice Commission assisted a Bureau in the establishment of the World Conference as a permanent body. At their first meeting in Mexico, in April 2009, the Bureau prepared a draft statute, which was discussed at other meetings of the Bureau on 12 December 2009 and 5 June 2010 in Venice together with questions of the organisation of a second Congress.

Eighty-eight constitutional courts, constitutional councils and supreme courts as well as the 10 regional and linguistic groups of courts from Africa, the Americas, Asia and Europe gathered for a second Congress of the World Conference on Constitutional Justice on the topic "Separation of Powers and Independence of Constitutional Courts and Equivalent Bodies". This event was hosted by the Federal Supreme Court of Brazil in Rio de Janeiro, Brazil on 16-18 January 2011 in co-operation with the Venice Commission.

The draft statute was amended on this occasion and finally adopted at another meeting of the Bureau on 23 May 2011 on the occasion of the XV<sup>th</sup> Congress of the Conference of European Constitutional Courts.

With the accession of more than 30 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice, the Statute of the World Conference on Constitutional Justice entered into force on 24 September 2011.

The 3<sup>rd</sup> Congress of the World Conference on Constitutional Justice on the topic 'Constitutional Justice and Social Integration' was hosted by the Constitutional Court of the Republic of Korea on 28 September – 1 October 2014. The participants of the 3<sup>rd</sup> Congress of the World Conference on Constitutional Justice adopted the Seoul Communiqué.

The Congress examined how constitutional courts have dealt with social integration and – in its absence – with social conflict. The participating judges were able to draw inspiration from the experience of their peers, whether from positive examples or from cases where the courts were unable to solve these issues.

In addition to the 1<sup>st</sup> General Assembly of the World Conference, a stock-taking exercise took place during the 3<sup>rd</sup> Congress on the independence of the constitutional courts.

Upon invitation by the Constitutional Court of Lithuania, the 4<sup>th</sup> Congress of the World Conference on the "Rule of Law and Constitutional Justice in the Modern World" was held in Vilnius, Republic of Lithuania, on 11-14 September 2017.

The 4<sup>th</sup> Congress concluded that within the framework of their constitutional competence, constitutional courts ensure the respect for and the implementation of national constitutions and exert a strong influence on shaping the content of the principle of the rule of law.

The stocktaking on the independence of constitutional courts of the 4<sup>th</sup> Congress showed that a number of courts had come under pressure from the executive and the legislative powers of their respective countries, but also from the media.

The 4<sup>th</sup> Congress called upon the member courts of the World Conference to resist pressure and to render their decisions only on the basis of the constitutions of their respective countries and the principles enshrined in them. The World Conference offered its good offices to courts that come under pressure, should they so wish.

The 5<sup>th</sup> Congress of the WCCJ on the topic "Constitutional Justice and Peace" will be hosted by the Constitutional Court of Indonesia in Bali on 4-7 October 2022.



# **REVISED STATUTE OF THE WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE**

**As amended by the 2nd General Assembly,  
Vilnius, 12 September 2017**

## **Preamble**

Whereas on 22-24 January 2009, the Constitutional Court of the Republic of South Africa and the Venice Commission of the Council of Europe organised the 1st Congress of the World Conference on Constitutional Justice;

Whereas the 1st Congress brought together 93 Courts and Councils belonging to the following regional and linguistic groups:

- Asian Constitutional Courts
- Association of Constitutional Courts using the French Language (ACCPUF)
- Commonwealth Courts
- Conference of Constitutional Control Organs of Countries of Young Democracy
- Conference of Constitutional Courts of Countries of Portuguese Language
- Conference of European Constitutional Courts
- Ibero-American Conference on Constitutional Justice
- Southern African Chief Justices Forum
- Union of Arab Constitutional Courts and Councils.

Whereas the participants of the 1st Congress,

- recognising the key role of the regional and linguistic groups in the promotion of constitutionalism,
- entrusted a Bureau, composed of the Presidents of the regional and linguistic groups and the three Courts which hosted the preparatory meetings (Vilnius, Seoul, Algiers), with making proposals for the establishment of a World Association open to the Courts belonging to the regional or linguistic groups;

The Bureau hereby approves the text of the Statute of a permanent World Conference on Constitutional Justice as set out below:

### **Article 1. Objectives**

(1) The World Conference on Constitutional Justice (“the World Conference”) promotes constitutional justice – understood as constitutional review including human rights case-law – as a key element for democracy, the protection of human rights and the rule of law.

(2) The World Conference aims to achieve these objectives by:

- organising regular Congresses uniting all members on a global scale;
- participating in regional conferences and seminars;
- promoting the exchange of experiences and case-law within the regional and linguistic groups, between them and with individual members;
- offering good offices to its members upon their request;

### **Article 2. Membership**

(1) Constitutional Courts and equivalent bodies (Constitutional Councils, Supreme Courts exercising constitutional jurisdiction, Constitutional Chambers, etc. - “Courts”), which are members of the groups set out in Article 4.b below as well as Courts participating in the Joint Council on Constitutional Justice of the Venice Commission, are entitled to membership in the World Conference. Courts become Conference members (“Members”) by giving written notification to the Secretariat.

(2) Requests for membership for courts, which are not entitled to membership under the paragraph above, shall be addressed to the Secretariat together with a presentation of the activity of the requesting court and a letter of motivation. If there is already a Member from the country of the requesting court, the Secretariat shall inform the Member of this request, with a view to enabling the Member to express an opinion, which will be forwarded to the Bureau and the General Assembly. The General Assembly decides on membership on the basis of a recommendation by the Bureau. The Bureau may invite a candidate for membership to participate in the activities of the World Conference on a provisional basis.

(3) Only one Court per country is eligible for membership. However, if there is more than one national Court exercising constitutional justice in any country, those Courts shall be eligible for membership. Full members of regional groups shall be eligible for membership notwithstanding the above criterion. If there is more than one member from a country, those members shall dispose of only one vote and share any financial burden equally between them.

### **Article 3. Congress**

(1) The World Conference shall organise a Congress at least once every three years. The Bureau decides on the venue and, after written consultation with the General Assembly, on the topic of the Congress.

(2) All members and representatives of the groups participating in the Bureau shall be invited to the Congress. Observers and guests may be invited, with the consent of the hosting court (“the Host Court”) and the Bureau.

### **Article 4. Organs**

#### **a. General Assembly**

(1) Members form the General Assembly of the World Conference, which meets at Congresses. In urgent cases, the General Assembly may make a decision in written form. The Host Court presides the General Assembly.

(2) The General Assembly is convoked by the Secretariat upon instruction by the Bureau.

(3) The General Assembly may, in particular:

- following a proposal by the Bureau, admit individual courts or equivalent bodies as members (Article 2);
- elect three members of the Bureau (Article 4.b);
- decide on the admission of additional groups (Article 4.b);
- examine the report of activities presented by the Bureau (Article 4.b);
- establish a scale of financial contributions (Article 6.1);
- amend the present Statute (Article 8);
- in cases of flagrant violation by one of its members of the principles on which the World Conference is based (Article 1), suspend that member on the basis of a proposal by the Bureau (Article 9)

## **b. Bureau**

(1) The Bureau of the Conference (“the Bureau”) is composed of representatives of the regional and linguistic groups, the Host Court of the previous and the next Congress, and of four Courts elected by the General Assembly from the continents of Africa, the Americas, Asia/Oceania and Europe, respectively. In determining whether a Court belongs to a given continent, regional group membership shall be taken into account. Only Courts from a given continent shall vote for the representative of that continent. A Court may be a candidate for one continent only.

(2) The following groups may participate in the Bureau if they so wish:

- the Association of Asian Constitutional Courts and Equivalent Institutions
- the Association of Constitutional Courts using the French Language (ACCPUF)
- the Commonwealth Courts
- the Conference of Constitutional Control Organs of Countries of New Democracy
- the Conference of Constitutional Courts of Countries of Portuguese Language
- the Conference of Constitutional Jurisdictions of Africa
- the Conference of European Constitutional Courts
- the Ibero-American Conference on Constitutional Justice
- the Southern African Chief Justices Forum
- the Union of Arab Constitutional Courts and Councils.

(3) Additional groups can be admitted by the General Assembly by 2/3 majority vote (Article 4.a).

(4) The Bureau Presidency shall rotate annually between participating groups in the alphabetical order in the English language. If the presiding group is not present, the last Presidency present shall preside the Bureau meeting instead. The Bureau Presidency and the Secretariat represent the World Conference (e.g. at conferences of its members or regional or linguistic groups).

(5) The Bureau may be convoked by its Presidency on its own initiative, at the request of a majority of the members of the Bureau or by the Secretariat.

(6) The Bureau shall meet before the General Assembly at each Congress. Other Bureau meetings may be held annually. In urgent matters, the Bureau may make its decisions in written form.

(7) The Bureau may, in particular:

- make a decision on the venue and, after written consultation with the General Assembly, the topic of each Congress (Article 3);
- prepare a report of activities for examination by the General Assembly (Article 4.a);
- exempt in duly justified cases a member from making a financial contribution to the World Conference (Article 6.2);
- adopt guidelines governing acceptance by the World Conference of financial contributions from public bodies, governments and intergovernmental organisations and accept or reject financial contributions consistently with such guidelines (Article 6.3);
- adopt resolutions in accordance with the World Conference's objectives (Article 1);
- examine the financial report submitted by the Secretariat (Article 6.4);
- make proposals to the General Assembly for the admission of new members (Article 2);
- invite a candidate for membership to participate in the activities of the World Conference on a provisional basis (Article 2);
- offers its good offices to the members upon their request (Article 1);
- make proposals to the General Assembly for the suspension of a member (Article 9).

### **c. Secretariat**

(1) The Venice Commission of the Council of Europe provides the Secretariat of the Conference.

(2) The Secretariat:

- keeps up to date the list of World Conference members;
- organises, in co-operation with the Host Court, each Congress;
- assists the Bureau Presidency to represent the World Conference;
- keeps the World Conference's finances and reports on their use to the Bureau.

### **Article 5. Voting**

Decisions in the General Assembly and the Bureau are made by consensus. Only if this is not possible, decisions are taken by two thirds majority of the members present, who are up to date with any financial contributions they are liable for (Article 6.2).

## **Article 6. Finances**

(1) Members shall make a financial contribution for the organisation of the activities of the World Conference of between 200 and 2000 Euros per year. The General Assembly shall establish a scale of contributions, based on the United Nations' statistics on gross domestic product for the respective country. Members may make additional voluntary contributions.

(2) In duly justified cases, the Bureau may exempt a member from making a financial contribution (Article 4.b.7).

(3) With the approval of the Bureau, the World Conference may accept financial contributions from public bodies, governments and intergovernmental organisations. Such contributions shall be in conformity with the objectives of the World Conference and must not endanger its independence, in accordance with the guidelines adopted by the Bureau (Article 4.b.7). Such contributions shall be included in the financial report to the Bureau (Article 4.c.2).

(4) The Secretariat shall hold the World Conference's finances in a special account set up for the Conference in accordance with the Council of Europe's financial rules. The Secretariat shall present a financial report to the Bureau annually.

(5) No financial commitment shall be made without existing financial provision.

## **Article 7. Languages**

(1) The present Statute is equally authentic in Arabic, English, French, German Portuguese, Russian and Spanish.

(2) Interpretation at the plenary sessions of the Congresses and meetings of the General Assembly shall be in the following languages: Arabic, English, French, German Portuguese, Russian and Spanish.

(3) The Secretariat shall correspond with the Bureau and the members of the World Conference in English and French.

(4) Bureau meetings are held in English and French. Interpretation into other languages may be provided at the requesting participants' expense.

## **Article 8. Statute amendments**

The present Statute may be amended by the General Assembly by two thirds majority.

## **Article 9. Suspension and termination of membership**

(1) In cases of flagrant violation by a member of the principles on which the World Conference is based (Article 1), the Bureau may submit a written proposal to the General Assembly for that member's suspension. Unless one third of the members object to this proposal within one month of notification having been sent, the suspension enters into force (Article 4.b.7).

(2) Each member may terminate its membership by giving the Secretariat written notification.

## **Article 10. Entry into force**

The present statute enters into force on the written acceptance of the present Statute by at least 30 eligible Courts according to Article 2 from at least three regional or linguistic groups. Such written acceptance shall be communicated to the Secretariat of the Venice Commission, which shall notify the members of the Bureau.

## **Article 11. Dissolution**

The World Conference may be dissolved by a decision of the General Assembly, or by the Bureau if the General Assembly does not meet for more than five years. Any remaining finances shall be distributed proportionally among the contributors.

## **Transitory provisions**

(a) The Courts having contributed to the organisation of the 1st Congress of the World Conference on Constitutional Justice held in Cape Town (the South African, Lithuanian, Korean Constitutional Courts and the Algerian Constitutional Council) are members of the first composition of the Bureau until the election of three members of the Bureau by the General Assembly at the third Congress.

(b) The Bureau shall establish, following consultation with the members, a provisional scale of contributions pending a decision to be made by the General Assembly (Article 6.1).

**Approved in Bucharest on 23 May 2011  
Amended in Vilnius on 12 September 2017**



**FOR MORE INFORMATION PLEASE CONTACT:**

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The main purpose of the World Conference is to facilitate judicial dialogue between constitutional judges on a global scale. Due to the obligation of judicial restraint, constitutional judges sometimes have little occasion to conduct a constructive dialogue on constitutional principles in their countries. The exchanges that take place between judges from various parts of the world in the World Conference furthers reflection on arguments, which promote the basic goals inherent to national constitutions. Even if these texts often differ substantially, discussion on the underlying constitutional concepts unites constitutional judges from various parts of the world committed to promoting constitutionality in their own country.