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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT
(COMMISSION DE VENISE)

**SYNOPSIS OF COCOSEM SEMINARS
HELD IN CO-OPERATION WITH
CONSTITUTIONAL COURTS**

**RESUME DES SEMINAIRES COCOSEM
TENUES EN COOPERATION AVEC LES COURS
CONSTITUTIONNELLES**

**Nordic-Baltic Conference on
“Interpretation and direct application of the Constitution”
in co-operation with the Constitutional Court of Lithuania
Vilnius, Lithuania, 15-16 March 2002**

In co-operation with the Constitutional Court of the Republic of Lithuania and as part of the Joint Programme of the European Commission and the Venice Commission for strengthening democracy and constitutional development in central and Eastern Europe and the CIS, the Venice Commission organised “The Baltic-Nordic Regional Conference on Interpretation and direct application of the Constitution”.

The Conference took place within the framework of the Lithuanian Chairmanship of the Committee of Ministers in Vilnius on 15 and 16 March 2002. In addition to the international experts, the Conference was attended by some 40 participants, most of them from universities and the Lithuanian authorities. The Conference was opened by the Chairman of the Seimas of the Republic of Lithuania, Mr Paulauskas.

Divided into six working sessions, the Conference turned out to be an excellent opportunity, both for judges and for academics, to exchange their views and experiences concerning the different models of constitutional interpretation and their consequences on the role of ordinary courts, with a special focus on the protection of human rights.

The two main models discussed were that of constitutional control concentrated with the Constitutional Court (Germany, Latvia, Lithuania, Poland, Romania and Russia) and that of diffuse constitutional control as applied in the Nordic countries and Greece. The latter gave a key role to ordinary courts in the direct application of the constitution. The case-law of the European Court of Human Rights and its application of the principle of proportionality was seen as a unifying factor bridging these two models.

The proceedings of the Conference will be translated and published by the Constitutional Court, with the support of the Venice Commission.

Title of activity
“Effective remedies for the protection of Human Rights: the role of the Constitutional Court”
Date and place
23-24 May 2002, Constitutional Court, Sarajevo, Bosnia and Herzegovina

Participants

Venice Commission Experts
Mrs Hanne Sophie Greve, Judge, ECHR, Mr Peter Jambrek, Member of the Venice Commission, former judge at the ECHR, former Judge at the Constitutional Court of Slovenia Mrs Katerina Barkley, Bundesverfassungsgericht, Germany Mr Ignacio Borrajo, Constitutional Tribunal, Spain
Other Participants
1. HUGH CHETWYND, Council of Europe 2. SEVIMA SALI-TERZIC, International Human Rights Legal Group 3. LEON DIAZ, OSCE, Human Rights Department 4. VALENTINA VITALI, OSCE, Human Rights Department 5. Prof. dr. SNEZANA SAVIC, Constitutional Court of Bosnia and Herzegovina 6. MIRKO ZOVKO, Constitutional Court of Bosnia and Herzegovina 7. AZRA OMERAGIC, Constitutional Court of Bosnia and Herzegovina 8. DUSAN KALEMBER, Constitutional Court of Bosnia and Herzegovina 9. MIRA PEKMEZ, Constitutional Court of Bosnia and Herzegovina 10. FARIS VEHABOVIC, Constitutional Court of Bosnia and Herzegovina 11. FAVZIJA MUFTIC, Constitutional Court of Bosnia and Herzegovina 12. LEDZIBA RAVLIC, Constitutional Court of Bosnia and Herzegovina 13. KORNELIJA MIRCIC, Constitutional Court of Bosnia and Herzegovina 14. AVDO SPILJAK, Constitutional Court of Bosnia and Herzegovina 15. CHRISTIAN STEINER, Constitutional Court of Bosnia and Herzegovina 16. NEDIM ADEMOVIC, Constitutional Court of Bosnia and Herzegovina 17. ALEKSANDAR VUKOVIC, Constitutional Court of Bosnia and Herzegovina 18. SABINA DUJAK, Constitutional Court of Bosnia and Herzegovina 19. NERMINA SOBOVIC, Constitutional Court of Bosnia and Herzegovina 20. MARIJA KOVACIC, Constitutional Court of Bosnia and Herzegovina 21. SAIDA GABRIC, Constitutional Court of Bosnia and Herzegovina 22. Prof. dr. RAJKO KUZMANOVIC, Constitutional Court of the RS 23. Mr. MIRKO BOSKOVIC, Constitutional Court of the Federation of B-H 24. SADUDIN TRATOVIC, Supreme Court of the Federation of B-H 25. VLADO ADAMOVIC, Supreme Court of the Federation of B-H 26. JOVO ROSIC, Supreme Court of the Republic of Srpska 27. ZVONKO MIJAN, Ministry of Justice of the Federation of B-H

28. BILJANA MARIC, Ministry of Justice of the Republic of Srpska 29. MAJEVIC MINKA, Ministry of Human Rights and Refugees of B-H 30. Dr. KADRIJA HARACIC, Ministry of Human Rights and Refugees of B-H 31. ELVIRA BEGOVIC, Ombudsperson for Bosnia and Herzegovina 32. MILICA DALAGIJA, Ombudsperson for the Federation of B-H 33. ZLATKO KULENOVIC, Ombudsperson for the Republic of Srpska 34. RAKEL SURLIEN, independent Judicial Commission 35. IAN CAMPBELL, OHR 36. RICHARD PROSEN, Embassy of the United States of America of Sarajevo 37. DRAGANA TESIC, Appeals Court of Brcko District Total number (approx): 50
Secretariat member(s)
Ms S. Granata-Menghini Ms C. Martin

Objectives

Specific objectives of activity
To discuss and evaluate the protection of human rights in B&H, particularly the role of the Constitutional Court in this matter since the Venice Commission has always supported the idea that after ratification of EHCR the Constitutional Court should be entrusted with all final appeals in human rights cases at the level of the State.
Reference to other activities (if relevant)
The Venice Commission gave an opinion on the merger of the Human Rights Chamber and the Constitutional Court of Bosnia and Herzegovina, opinion adopted by the Commission (CDL-INF (2000) 8 and CDL-INF (2001) 20.

Evaluation
The experts invited by the Venice Commission gave their experience or experience of their country in the protection of Human rights, while Mr Jambrek gave an overview of the Venice Commission's proposal of the merger. A highly interesting discussion ensued between the Constitutional Court of B&H and courts of common jurisdiction with regard the protection of human rights (Supreme Court of RS, Supreme Court of F B&H).

Conclusions
With its elaboration of a proposal of the merger of the Human Rights Chamber and the Constitutional Court, the Venice Commission has tried to give the most appropriate answer to the complex legal issue that are going to arise, mostly after the ratification of the ECHR.

The Constitutional Court of B&H needs strong support to reinforce its authority, its status and its position within the state institutions in order to fully assume its role in the protection of human rights.

With its elaboration of a proposal of the merger of the Human Rights Chamber and the Constitutional Court, the Venice Commission has tried to give the most appropriate answer to the complex legal issue that are going to arise, mostly after the ratification of the ECHR.

The Constitutional Court of B&H needs therefore a strong support to reinforce its authority, its status and its position within the states institutions, and to take over an effective role in the protection of human rights.

Follow-up

If the merger takes place the Constitutional Court may need assistance in order to amend its rules of procedure. The Venice Commission remains at the disposal of the Constitutional Court and of local or international institutions in order to find appropriate ways.

Publications (if relevant)

The materials of the Conference will be published by the Constitutional Court of B&H.

Identification of activity

Title of activity
“Constitutional control: basic problems of practice, organisation and legal proceedings”
Date and place
3-4 June 2002, Batumi, Georgia

Participants

Partner institution / organisation
Constitutional Court of Georgia
Venice Commission Experts
Mrs Wagnerova, Vice-president, Constitutional Court, Czech Republic, Substitute Member of the Venice Commission Mr Roosma, Ministry of Justice of Estonia, Member of the Venice Commission Mrs Pededze, Advisor to the Chairman, Constitutional Court of Latvia Mrs Steinman, Constitutional Court, Slovenia Mrs Walter, Constitutional Court, Germany Mrs Akbulut, Judge, Constitutional Court of Turkey
Other Participants
Judges of the Constitutional Court of Georgia Mr Abashidze, Head of the Adjarian Autonomous Republic Mr Stangu, Judge Constitutional Court of Romania Mr Strekozov, Vice-president, Constitutional Court of Russia Mrs Chubar, Judge, Constitutional Court of Ukraine Mr Abishev, Judge, Constitutional Court of Kazakhstan Mr Oganisian, Vice President, Constitutional Court of Armenia Mr Gvaladze, Judge, Constitutional Court of Azerbaijan Mr Garibov, Judge, Constitutional Court of Azerbaijan Mr Bagi, Judge, Constitutional Court of Moldova Mr Chanturia, Chairman, Supreme Court of Georgia Mr Giliashvili, Minister, Ministry of Justice of Georgia Mrs Burjanadze, Speaker, Parliament of Georgia Mr Abashidze, Secretary, Council of Justice, Georgia Mrs Devdariani, Public Defender, Georgia Mr Rostom Japaridze, Vice Speaker, Parliament of Georgia Mr Gelbakhiani, MP, Parliament of Georgia Mr Paichadze, MP, Parliament of Georgia

Journalists
Total number (approx): 50
Secretariat member(s)
Mr G. Buquicchio Ms C. Martin

Objectives

Specific objectives of activity
The Constitutional Court of Georgia had recently amended its rules of procedure and wanted to learn more about the variety of organisational structures of other Constitutional Courts and their legal proceedings, the effectiveness of their proceedings and case-management: The experts invited by the Venice Commission - presented the experience of their country in this matter - raised substantive and practical issues related to the process of individual complaints

Evaluation
Wide and active participation that revealed the relevance of this seminar for Georgia's partners. This workshop was particularly interesting and fruitful since during the discussions judges from different countries exchanged their views in a very open manner on specific issues like: the impact of a decision of unconstitutionality, the role and place of the Constitutional Court among state institutions and juridical order, the crucial role of the Constitutional Court in electoral matters, the acceptance by the public and by the public authorities of Constitutional Courts decisions, and the role of the Constitutional Court concerning the protection of human rights.

Feedback
Coverage by the regional and national mass media.

Documents: CDL-JU (2002) 31 (Russian only) / CDL-JU (2002) 32/33/34/35 (English only)

Title of activity
Seminar on “The Role of the Constitutional Court in Society”
Date and place
17-18 June 2002, Chisinau

Participants

Partner institution / organisation
Constitutional Court of the Republic of Moldova
Venice Commission Experts
Mr. Costică Bulai, Justice of the Constitutional Court of Romania Mr. Jan Klucka, Justice of the Constitutional Court of Slovakia Mr. Yuriy Kudrevtsev, Head of the Secretariat, Constitutional Court of the Russian Federation Mr. Pinneli, Professor, University of Rome, Italy
Other Participants
Local speakers: Mr. Victor Pușcaș, President of the Constitutional Court of the Republic of Moldova and the judges of the Court Mr. Ion Morei, Minister of Justice; Mrs. Valeria Șterbeț, President of the Supreme Court of Justice; Mr. Mihai Petrache, Member of the Parliament; Mr. Valeriu Zubco, Doctor in law, Agency for the Support of Juridical Education and Legal Bodies “Ex-Lege”; Mr. Sergiu Cobăneanu, Doctor in law, university lecturer, Head of the chair in constitutional and administrative law, Moldova State University; Mr. Andrei Smochină, Ph.D. in law, Professor, Dean of the Department in Law, International Free University of Moldova Mr. Alexandru Arseni, Doctor in law, university lecturer, Chair in constitutional and administrative law, Moldova State University; Mr. Victor Popa, Ph.D. in law, Department in Law, lecturer of the chair in constitutional and administrative law, Moldova State University Mr. Gheorghe Avornic, Dean of Law Faculty, Moldova State University; Ms. Elena Aramă, Ph.D. in law, Head of the chair in history and theory of law, Moldova State University Mr. Alexei Potîngă, Director of the Center for Human Rights; Mr. Vladimir Mocreac, Doctor in law, university lecturer, Department in Law, International Free University of Moldova; Mr. Ion Creangă, Head of Office for the Relations with the Public Authorities,

Juridical Department of the Parliament's Apparatus Altogether approx. 50 participants
Secretariat member(s)
Schnutz Dürr

Objectives

Specific objectives of activity
This seminar had a twofold objective. On the one hand, it was to deal with the position of the Constitutional Court in relation to other state authorities and the general public. At the same time it allowed for the discussions in view of the adoption of an opinion on the Draft Law on the Constitutional Court which had previously been requested for by the Moldovan Ministry of Justice. At the time of the seminar, the Venice Commission's rapporteurs who were also present at the seminar had already delivered their individual comments and a consolidated opinion was being prepared. The seminar was also to provide the necessary input for this opinion.
Reference to other activities (if relevant)
Opinion on the Draft Law on the Constitutional Court (CDL-AD (2002)16

Evaluation
The seminar allowed the rapporteurs to get a full picture of the issues involved in adopting the Law on the Constitutional Law. The views of the different currents were taken into consideration in drafting the final opinion. During the seminar, the rapporteurs presented their individual comments on the Draft to the Moldovan authorities and the interested public. The reactions of the local participants and their own suggestions for improvement of the Draft were a valuable input for the drafting of the final opinion, which was adopted later at the following Plenary Session of the Commission
Feedback
The media echo of the seminar was very important. The Moldovan press and TV covered the event and the secretariat member present gave several interviews.
Conclusions
The seminar was not only fruitful for the national working group which had drafted the Law but also to the Venice Commission because it enable the drafting of an opinion which was oriented towards the real needs in Moldova.
Follow-up
The Venice Commission was to deliver a final opinion on the revised text which will

be the result of the discussions at the seminar. On behalf of the Moldovan working group on the Draft, Mr. Creangă, Head of Office for the Relations with the Public Authorities, Juridical Department of the Parliament's Apparatus, expressed the gratitude of the Moldovan authorities for providing the opinion and for organising the seminar.

VII^e Séminaire international de Erevan
« La protection des droits de l'homme devant la cour constitutionnelle »
4-5 octobre 2002, Erevan, Arménie

La Commission de Venise a organisé en collaboration avec la Cour constitutionnelle d'Arménie, le VII^e Séminaire international de Erevan, sur «la protection des droits de l'homme devant la Cour constitutionnelle».

Le Séminaire a réuni plus de 80 participants : outre les juges et membres de la Cour constitutionnelle d'Arménie, du Président de la Cour européenne des Droits de l'Homme et du Commissaire pour les droits de l'homme, on pouvait compter des juges des Cours constitutionnelles de la République slovaque, de la Fédération de Russie, de l'Ukraine, de l'Italie, de la Lituanie, de la République tchèque, du Président du Conseil constitutionnel du Tadjikistan ainsi que des représentants de la Cour constitutionnelle d'Allemagne et de celle de Lettonie.

La Conférence s'est ouverte sur un exposé de M. Wildhaber, Président de la Cour européenne des droits de l'Homme. M Wildhaber a concentré son intervention sur deux points de la Convention européenne des droits de l'homme et de la jurisprudence de la Cour, à savoir : la liberté d'expression et la liberté d'association.

La Commission de Venise, impliquée dans la rédaction d'un nouveau projet de constitution, qui devrait être adopté sous peu, avait donné son soutien à l'idée de l'introduction d'un recours individuel direct devant la Cour constitutionnelle ainsi que celle d'un recours direct de l'Ombudsman. M. Gil Robles, Commissaire aux Droits de l'Homme, a présenté les lignes directrices de sa fonction ainsi que celles de l'institution d'Ombudsman dans la protection des droits de l'homme au niveau national.

Cet exposé a été suivi d'un débat intense entre les participants et le Commissaire, sur le rôle et les activités de l'Ombudsman dans leur pays respectif.

La suite du séminaire s'est déroulé autour de deux grands axes : la protection des droits de l'homme par la Cour constitutionnelle lorsque celle ci ne connaît pas de recours individuel direct et celle offerte par les Cour constitutionnelle avec le recours individuel direct.

L'échange d'expériences entre d'anciennes cours constitutionnelles et celles plus récemment créées a été particulièrement intéressant. La présentation de la gestion des affaires par la Cour constitutionnelle allemande a été suivie avec beaucoup d'intérêt, car elle est riche d'enseignements pour mes cours qui connaissent depuis peu du recours individuel et qui étaient représentées au séminaire.

M. Hovannisyan, vice-Président de la Cour constitutionnelle de l'Arménie a également présenté les points principaux de la mise en œuvre de la CEDH en Arménie, ce qui a amené les participants à discuter et présenter longuement les moyens mis en œuvre dans leur pays, au-delà du rôle de la Cour constitutionnelle, pour une protection efficace des droits de l'homme à la lumière de la CEDH et de la jurisprudence de la Cour européenne des droits de l'homme.

Les rapports présentés lors de la Conférence seront publiés par la Cour constitutionnelle de l'Arménie, ils seront en outre disponibles sur le site web de la Cour constitutionnelle de l'Arménie: <http://www.concourt.am>.

**Seminar on “The protection of fundamental rights by the
Constitutional Court by means of individual complaint”
Baku, Azerbaidjan, 8-9 November 2002**

The Venice Commission and the Constitutional Court of the Republic of Azerbaijan organised a seminar on ‘The protection of fundamental rights by the Constitutional Court by means of the individual complaint’ in Baku on 8 - 9 November 2002. This activity was organised as a follow-up to the Venice Commission’s opinion on the draft law on the Constitutional Court, which, among other amendments, intended to introduce an individual complaint to the Court (CDL-AD (2002) 5).

The main objective of the seminar was to explore different models of individual complaint existing in Council of Europe member states and to discuss possible applications of corresponding provisions of the Law on the Constitutional Court of Azerbaijan.

The seminar was attended by more than 50 participants: judges of the Constitutional Court, judges of the Supreme Court and lower jurisdictions, members of Parliament, Presidential administration and other public authorities. The delegation of the Venice Commission, including Mr Aivars Endzins (President of the Constitutional Court of Latvia, Member of the Venice Commission), Mr Anatoliy Kovler (Judge at the European Court of Human Rights), Mrs Katarina Barley (Constitutional Court of Germany), Mr Javier Garcia Roca (Professor of Constitutional Law at the University of Valladolid, former legal adviser at the Constitutional Court of Spain), Mr Arne Mavcic (Legal adviser at the Constitutional Court of Slovenia), was accompanied by Mr G. Buquicchio and Mr S. Kouznetsov.

Among different issues examined during the seminar, special attention was paid to such problems as the procedural mechanisms of processing individual complaints, the appropriateness of the so-called principle of “self-restraint” by the Constitutional Court and direct referral of issues concerning constitutionality by ordinary courts. The participants agreed that there was a need to adopt a new law on Constitutional Court as soon as possible.

On 9 November 2002, representatives of the Venice Commission were received by the President of the Milli Mejlis of Azerbaijan, Mr Murtuz Aleskerov. During the meeting, Mr Aleskerov highly praised the co-operation between the Constitutional Court of Azerbaijan and the Venice Commission and noted that the Parliament would also like to develop its contacts with the Commission. Mr Buquicchio informed Mr Aleskerov that the Venice Commission was at full disposal of the Azeri authorities for providing legal expertise on the draft law on political parties.

The seminar’s proceedings will be published by the Constitutional Court of Azerbaijan.

**2nd Conference of Secretaries General of Constitutional
Courts and Courts of Equivalent Jurisdiction
Madrid, Spain, 14-15 November 2002**

The Venice Commission, in co-operation with the *Tribunal constitucional* of Spain and with the financial support of the European Commission, organised the second Conference of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction in Madrid on 14-15 November 2002.

The Conference took place at the seat of the *Tribunal constitucional* of Spain and united for the second time, Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction. All the Constitutional Courts of Greater Europe were invited, together with those from Central Asia and other continents, all of which contribute to the Venice Commission's *Bulletin on Constitutional Case-law*. The Conference brought together 43 Secretaries General of European Courts as well as the Constitutional Courts of Israel, South Africa, Kazakhstan, Kyrgyzstan, a representative of the Secretariat of the European Court of Human Rights and the Registrar of the Court of Justice of the European Communities. Around 60 participants took part in the whole Conference.

The Venice Commission Secretariat took the opportunity of this Conference to prepare for the first time a comparative study on "the status and functions of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction". The study is based on a questionnaire, to which 40 Courts (from both Enlarged Europe and other continents) replied.

The study and the replies will shortly be published. The aim and interest of the study is not only to show points common to all Secretaries General but also and above all to present in a concise manner the variations between the status, functions and responsibilities of Secretaries General.

Following a brief presentation of the replies to the questionnaire by the Venice Commission Secretariat, the first part of the Conference was devoted to the presentation and examination of the role of the Secretary General in the pre-judicial proceedings of the Court, and in particular questions such as management of individual complaints, occasional preliminary examination of appeals, of the necessary care which the Secretary General should take to ensure that cases are treated within a reasonable time limit which complies with the requirements of the ECHR.

The introduction in certain courts, especially in the European Court of Human Rights, of programmes for the electronic filing of cases particularly interested the participants. The administrative management of the Court and in particular questions linked to the Court's budget and its independence led to interesting exchanges of views and experiences.

The second part of the Conference concentrated on the role of the Secretary General in the public relations of the Court, whether that be its relations with state institutions (such as the Parliament) or with the public or the media. This last point interested most of the Secretaries General; the different ways in which Courts manage their relations with the media raised a lot of questions and is a challenge which the Secretary General should be able to face.

In addition, the Conference gave the participants the opportunity to establish and strengthen contacts with their peers. It thus contributed to the necessary co-operation between constitutional courts, which is one of the objectives of the Venice Commission.

In addition to the above-mentioned study on the status and functions of the Secretary General, the reports presented will also shortly be published.

**Ile Conférence des Secrétaires généraux des Cours
constitutionnelles et juridictions à compétence équivalente
Madrid, Espagne, 14-15 novembre 2002**

La Commission de Venise en coopération avec le *Tribunal constitucional* de l'Espagne et avec le support financier de la Commission européenne, a organisé la deuxième Conférence des Secrétaires généraux des Cours constitutionnelles et juridictions à compétence équivalente, les 14 et 15 novembre à Madrid, Espagne.

La Conférence qui s'est tenue au *Tribunal constitucional* de l'Espagne a réuni pour la deuxième fois les Secrétaires généraux des Cours constitutionnelles et juridictions à compétence équivalente. Toutes les Cours constitutionnelles de la Grande Europe ont été invitées ainsi que celles d'Asie centrale et d'autres continents, toutes contribuant au Bulletin de Jurisprudence constitutionnelle publié par la Commission de Venise. Ainsi, la Conférence a rassemblé 43 Secrétaires généraux de cours de l'Europe, plus ceux des cours constitutionnelles d'Israël, de l'Afrique du Sud, du Kazakhstan, du Kirghizstan, un représentant du greffe de la Cour européenne des droits de l'Homme ainsi que le Greffier de la Cour de Justice des communautés européennes. La Conférence a réuni pendant toute la durée des travaux environ 60 participants.

Le Secrétariat de la Commission de Venise avait saisi l'occasion de la tenue de cette Conférence pour préparer une étude comparative sur «Le statut et les fonctions des secrétaires généraux des Cours constitutionnelles et juridictions à compétence équivalente» basée sur un questionnaire, auquel plus de 40 Cours (aussi bien de la Grande Europe que d'autres continents) avaient répondu.

L'étude ainsi que les réponses feront prochainement l'objet d'une publication spéciale. L'objectif et l'intérêt de cette étude sont non seulement de montrer les points communs aux secrétaires généraux mais également et surtout de présenter de façon synthétique les variantes dans le statut, les fonctions et les responsabilités des secrétaires généraux.

Suite à une présentation synthétique des réponses au questionnaire faite par le secrétariat de la Commission de Venise, la première partie de la Conférence a été consacrée à la présentation et à l'examen du rôle du secrétaire général dans les phases juridictionnelles de la Cour, et plus particulièrement des questions comme la gestion du recours individuel, de l'examen préliminaire formel des recours parfois, de la nécessaire diligence dans le traitement des affaires que le Secrétaire général doit généralement assurer afin de se conformer aux exigences de la CEDH d'un procès dans un délai raisonnable.

L'introduction dans certaines cours et notamment dans la Cour européenne des droits de l'homme de programmes d'une gestion électronique des affaires a particulièrement intéressé les participants. La gestion administrative de la cour, et notamment les questions liées au budget de la Cour et à son indépendance ont fait l'objet d'échanges de vues et d'expérience particulièrement intéressants.

La seconde partie de la Conférence s'est concentrée sur le rôle du secrétaire général dans les relations publiques de la Cour, qu'il s'agisse de ses relations avec les institutions étatiques (comme le Parlement) ou avec le public et les médias. Ce dernier point a retenu l'attention de l'ensemble des secrétaires généraux ; les méthodes et la gestion des relations avec les médias,

différant d'une Cour à l'autre, suscitent beaucoup d'interrogations et constituent un défi auquel le secrétaire général doit pouvoir répondre.

La Conférence a offert, en outre, l'occasion pour les participants d'établir et de renforcer les contacts avec leurs homologues. Elle a ainsi contribué à construire cette nécessaire coopération entre les cours constitutionnelles, qui est un des objectifs de la Commission de Venise.

En sus de l'étude précitée sur le statut et les fonctions du secrétaire général, les rapports présentés feront également l'objet d'une publication prochainement.

Identification of activity

Title of activity
Seminar on “Topical problems of constitutional review: the experience and developments of the first decade”
Date and place
1 – 2 November 2002, Tartu, Estonia

Participants

Partner institution / organisation
Supreme Court of Estonia Mr. Jakko Husa, Professor, University of Vasa, Finland Mrs Nadezda Mihhaleva, Professor, Russian Legal Academy Ms Caroline Taube - researcher at the Centre of Advanced Studies at Norwegian Academy of Science and Letters, Oslo Ms Renata Uitz, Central European University, Hungary Chief Justice of the Supreme Court Uno Lõhmus Mr Aivars Endzins, Chairman of the Constitutional Court of Latvia, Member of the Venice Commission; Mr Peeter Roosma, the Supreme Court of Estonia, Member of the Venice Commission Dr. Vladimir Šapoval, Judge of the Constitutional Court of the Ukraine; Dr. Stasys Stačiokas, Justice of the Constitutional Court of the Republic of Lithuania; Dr. Gennadi Zilin, Judge of the Constitutional Court of the Russian Federation; Judges of the Supreme Court of Estonia, judges, lawyers.
Altogether approx. 40 participants
Secretariat member(s)
Sergueï Kouznetsov

Objectives

Specific objectives of activity
The objective of the seminar was to examine the experience of different countries in the field of constitutional review and to exchange information about different approaches in Scandinavia, the Baltic States, Russia and Ukraine. The seminar allowed the rapporteurs to get a full picture of the issues involved in constitutional review. Special attention was paid to the right of individual constitutional complaint. The participants also discussed such issues as relations between the constitutional and supreme courts and the impact of the review decisions on ordinary courts.

**Conference on “Human rights protection systems”
Bishkek, Kyrgyzstan, 21-22 November 2002**

The Venice Commission co-operates with Kyrgyzstan since 1992. It delivered its comments on the first draft Constitution in 1993. Seminars in co-operation with the Constitutional Court were organised in 1998 on “Judicial Independence and Incompatibilities of the Office of Judge with other Activities” and in 2001 on “Economic transition: property rights, restitution, pensions and other issues concerning the constitutional protection of economic rights of citizens”.

The current conference was organised upon the request of and in co-operation with the Constitutional Court of Kyrgyzstan. The Commission’s delegation, composed of 6 experts (Mr H-C Kruger (Special Advisor on the EU Convention), Mr R. Husbands (UN OHCHR), Mr J. Leon Diaz (HR Chamber for Bosnia and Herzegovina), Mr K. Hajiev (Member of the Venice Commission, President of the Constitutional Court of Azerbaijan), Mr L. Ferrari Bravo (Professor, ad-hoc judge of the ECHR), Mr Jose de la Mata Amaya (High Court of Appeal, Spain), was accompanied by Mr G. Buquicchio and Ms T. Mychelova.

The seminar’s aim was to inform Kyrgyz legal professionals on international and national judicial means of protection of human rights. The Secretary of the Venice Commission brought the participants up-to-date with the work of the Venice Commission in general and its activities in the field of human rights in particular. The participants were informed on the role of the Council of Europe and the European Court of Human Rights in the human rights protection in Europe. As Kyrgyzstan is a member of the UN and the OSCE, their respective human rights protection mechanisms as well as relevant obligations of Kyrgyzstan were discussed. The roles of supreme, constitutional and ordinary courts in this respect were also examined. The Kyrgyz speakers (1st Vice Prime Minister, judges of the Constitutional and Supreme courts) shared their experiences in the relevant domains. The discussions were lively and the publications of the Venice Commission in Russian were highly appreciated.

The seminar was a timely event as it was held when the first ombudsman was elected and the public discussions on the constitutional amendments were at their climax. The conference received wide media coverage. The members of the Secretariat of the Venice Commission and the Chair of the Constitutional Court of Kyrgyzstan were received by the President of the Republic. Mr Buquicchio and President Akaev exchanged views on further co-operation between the Commission and Kyrgyzstan and on comments by the Commission on the constitutional amendments. Mr Akaev expressed a genuine interest of his country in strengthening cooperation with Europe.

Documents: CDL-JU (2002) 39 /40/41/42/43/44 (English only)

**Conférence “La Cour constitutionnelle, garant du respect
de la Constitution : problèmes et perspectives »
Tirana, Albanie, 25 novembre 2002**

A l'occasion du 10^{ème} anniversaire de la Cour constitutionnelle de l'Albanie, la Commission de Venise a organisé, en co-opération avec la Cour constitutionnelle albanaise, une conférence sur « La Cour constitutionnelle, garant du respect de la Constitution : problèmes et perspectives » à Tirana, le 25 novembre 2002. Cette activité a été organisée dans le cadre du programme conjoint entre la Commission européenne et la Commission de Venise pour le renforcement de la démocratie et du développement constitutionnel en Europe Centrale et Orientale.

Les participants ont eu l'occasion de discuter de l'organisation et du rôle de la Cour constitutionnelle, ainsi que des problèmes rencontrés, notamment au regard de l'exécution des jugements. Ce thème était d'un intérêt particulier pour la Cour constitutionnelle albanaise, qui avait récemment rencontré de sérieuses difficultés suite à la prise de deux décisions concernant la procédure à suivre dans des cas de destitution de hauts fonctionnaires publics.

Plus de 100 participants ont assisté à cette Conférence, dont des juges de la Cour constitutionnelle, de la Cour suprême, le médiateur, des représentants du Ministère de la Justice, de l'Ecole des magistrats, du bureau du procureur général ainsi que des représentants du monde académique. Une couverture médiatique importante a été donnée à la Conférence à laquelle ont également assisté M. Alfred Moisiu, Président de l'Albanie, M. Fatos Nano, Premier Ministre, ainsi que Mme Coçu, vice-Président du Parlement. Dans son discours de clôture, M. Moisiu a également souligné l'importance de l'exécution des décisions de la Cour constitutionnelle et a exprimé son soutien au renforcement de son rôle en Albanie.

**Séminaire “Les relations entre le Parlement et la Cour constitutionnelle”,
Bucarest, Roumanie, 29 – 30 novembre 2002.**

Les 29 et 30 novembre 2002 la Commission de Venise a organisé à Bucarest en coopération avec la Fondation roumaine pour la démocratie par le droit et la Cour constitutionnelle un séminaire sur “Les relations entre le Parlement et la Cour constitutionnelle ».

L’objectif principal de cette activité était de discuter les différents aspects des relations entre la Cour constitutionnelle et le Parlement, notamment le contrôle par la Cour des lois avant leur promulgation, des traités internationaux et l’adaptation successive de la législation nationale suite à leur ratification. Ce séminaire présentait un intérêt tout à fait particulier à la lumière de la réforme constitutionnelle entamée par les autorités de la Roumanie en 2002.

Plus de 50 participants ont assisté à ce séminaire, dont des parlementaires, des juges de la Cour constitutionnelle, des représentants du Ministère de la Justice et du Bureau du Procureur général ainsi que des représentants du monde académique. Mme R Stanoiu, Ministre de la Justice s’est chargée de présenter un message de M. Adrian Nastase, Premier Ministre de la Roumanie. M. V. Dorneanu, Président de la Chambre des Députés a modéré deux séances de travail. La délégation de la Commission de Venise était composée de Messrs A Marques Guedes (ancien Président de la Cour constitutionnelle de Portugal), L. Garlicki (Juge à la Cour européenne des Droits de l’Homme), F. Testen (ancien Président de la Cour constitutionnelle et Juge à la Cour suprême de la Slovaquie), P. Kresak (professeur de droit constitutionnel à l’Université de Bratislava), A. Sanchez Navarro (Membre suppléant de la Commission de Venise), J. Lopez Aguilar (Membre du Parlement espagnol), G. Buquicchio (Secrétaire de la Commission de Venise) et S. Kouznetsov (membre du Secrétariat).

Les participants ont discuté, entre autres, de l’effet *erga omnes* des décisions de la Cour constitutionnelle, des conséquences d’une décision déclarant une loi/projet de loi inconstitutionnelle, de l’application des normes du droit international ratifiées par la Roumanie et du contrôle de leur compatibilité avec les normes de la Constitution. La majorité des intervenants étaient d’avis qu’avant la ratification d’un traité le Parlement devait apporter des changements à la législation nationale nécessaires, voir même à la Constitution, afin de les rendre conformes aux obligations internationales. Dans ce contexte les participants ont évoqué un certain nombre de propositions pour la modification de la Constitution roumaine qui sont discutées au sein du Parlement. De grandes réserves ont été exprimées quant à la possibilité de donner au Parlement le droit de renverser une décision de la Cour par une majorité qualifiée. En outre, les discussions ont porté sur l’application des dispositions de la Convention européenne des Droits de l’homme, dans les pays qui n’ont pas introduit le recours individuel à la Cour constitutionnelle.

Les actes du séminaire seront publiés par la Fondation roumaine pour la démocratie par le droit.