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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT OF BELARUS

CONFERENCE ON

**“THEORETICAL AND PRACTICAL ASPECTS WHEN
DEALING WITH INDIVIDUAL CONSTITUTIONAL
COMPLAINTS IN THE EUROPEAN MODEL OF
CONSTITUTIONAL JUSTICE”**

Minsk, Belarus, 8 April 2010

SYNOPSIS

The Venice Commission co-organised with the Constitutional Court of Belarus an international conference on “Theoretical and Practical Aspects when Dealing with Individual Constitutional Complaints in the European Model of Constitutional Justice”, which took place in Minsk in April 2010.

Members of the Constitutional Courts of Belarus, Bulgaria, Hungary and Russia, as well as experts and members of the Venice Commission attended the conference. The discussions included topics such as the practical implications of direct and indirect access to the Constitutional Court in different contexts, the organisational issues and the relationship between ordinary courts and the constitutional courts.

In the discussions, a clear tendency – in Europe and abroad - towards the introduction of individual access to constitutional courts was identified.

The President of the Constitutional Court of Hungary, Mr. Paczolay, observed that according to the Venice Commission a constitutional complaint should be of subsidiary character (after the exhaustion of other legal remedies), invoked on account of violation of basic rights and liberties, that it can be invoked against violation either from a law or a statute or an administrative act or a judicial decision and even in the case of an omission by the public authorities; and that it can be invoked by any person who pretends to be the victim of the violation of basic rights and liberties. Mr Paczolay also identified another trend: to provide the protection not only of constitutional rights but also of treaty rights through the constitutional court.

The Constitutional Court of Belarus will publish the proceedings of the Conference.