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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

XVth anniversary of the Constitutional Court of Latvia
“THE ROLE OF THE CONSTITUTIONAL COURT IN THE
PROTECTION OF CONSTITUTIONAL VALUES”

RIGA, LATVIA, 29-30 September 2011

SYNOPSIS

The Constitutional Court of Latvia, in cooperation with the Venice Commission, organised a conference to celebrate the XVth anniversary of the creation of the Constitutional Court on the “Role of the Constitutional Court in the Protection of Constitutional values”

The conference was a very useful event with active participation of experts and judges, as well as from the public. Over 200 people, among them lawyers, judges, academia and constitutional court representatives attended the conference. Judges from many Constitutional Courts presented their experiences: Armenia, Bosnia and Herzegovina, Bulgaria, Estonia, Finland, Georgia, Kazakhstan, Lithuania, Moldova, Montenegro, Poland, Russia, Turkey and Ukraine. The topic was divided into three subtopics, the programme allowing for at least one hour of discussions and debate at each of the sessions.

Concerning the first topic, on the cooperation between different branches of power and mainly the relationship between the Constitutional Court and the other powers, the importance of the principle of separation of powers was discussed, as well as the weight of the principle of the rule of law in these relations. Numerous references were made by the participants to the Venice Commission’s report on the Rule of Law and to the detailed list it contains as possible indicators to be taken into account. Mr Harutyunyan, President of the Armenian Constitutional Court, explained the contents of the report and Mr Tanchev, President of the Constitutional Court of Bulgaria, insisted on its importance for assessing the effectiveness of the rule of law.

The discussions also raised the issue of a possible clash between the pursuit of the national interest by the Parliament and the control of constitutionality exercised by Courts and even the control of conventionality carried out by the European Court of Human Rights. Differences of views between the national Constitutional Courts and the European Court of Human Rights and a possible divergence of national and universal values were raised by Mr Mavrin, Vice-President of the Constitutional Court of Russia.

Discussions on the second topic “crisis and constitutional courts” revealed the diversity of the definition of constitutional crisis: institutional crisis, financial crisis and concerns about security in the face of terrorism were some of the issues which intensely debated.

Finally, the comparative practice of the various Constitutional Courts in protecting and strengthening constitutional values and the challenges they had to face (the *ethnisation* issue in Bosnia and Herzegovina, the crisis in the composition of the Spanish Constitutional Court, the pensions issue and the position of the Latvian Constitutional Court, the election of the President of the State in Moldova, the re-election of the President in Kazakhstan, etc.) raised important questions about the role and the position of the Constitutional Court in the constitutional order.