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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

in co-operation with the

**The Constitutional Court of Tajikistan**  
**The German GTZ (*Gesellschaft für Technische Zusammenarbeit*)**  
**and**  
**The Open Society Institute**

**CONFERENCE  
ON**

**“BODIES OF CONSTITUTIONAL CONTROL IN  
CONDITIONS OF INTEGRATION OF LEGAL SYSTEMS:  
THE INTERNATIONAL EXPERIENCE AND PRACTICE OF  
TAJIKISTAN”**

**DUSHANBE, TAJIKISTAN  
4-5 NOVEMBER 2010**

**SYNOPSIS**

In co-operation with the Constitutional Court of Tajikistan, the German GTZ (*Gesellschaft für Technische Zusammenarbeit*), and the Open Society Institute, the Venice Commission organised a Conference on “Bodies of Constitutional Control in conditions of integration of legal systems: the international experience and practice of Tajikistan” on the occasion of the 15<sup>th</sup> anniversary of the Constitutional Court (Dushanbe, 4-5 November 2010). Presidents and judges from Constitutional Courts and Councils from Armenia, Azerbaijan, Estonia, Germany, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Russia, Ukraine and Turkey participated in the Conference, which was opened by the President of the Republic, Mr Rahmon.

In his opening speech, the President of the Venice Commission, Mr Buquicchio, reminded the participants of the late start of Tajikistan on the path to democracy due to its civil war and of important steps taken since then.

Problems of the execution of judgements, the possible high costs of constitutional court judgements in the field of social rights, constitutional case-law as a source of law, even a source of constitutional law and the separation of powers were discussed by the participants.

The Constitutional Court of Tajikistan presented its case-law with a focus on the right of appeal and on access to a judge for persons in pre-trial detention. The exchange with constitutional courts in other regions was seen as an important element for developing the Tajik case-law. By way of constitutional amendment, the right to initiate legislation had been withdrawn from the Constitutional Court but it annually delivered a report on the state of constitutionality in which it was able to address problems in the country.

Individual access to the constitutional court was seen by several participants as an effective means of human rights protection. The President of the Constitutional Court of Tajikistan insisted on the importance of the access of the Ombudsman to the Court.