



**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**Summary of the workshop on  
"Judicial independence and  
the incompatibility of judicial  
functions with other activities"  
Bishkek, Kyrgyzstan, 20-21 April 1998**

**S Y N O P S I S**

The Venice Commission, in cooperation with the Constitutional Court of Kyrgyzstan, organised a workshop on "judicial independence and the incompatibility of judicial functions with other activities" on 20-21 April 1998 in Bishkek.

The workshop brought together over thirty people: the Minister of Justice, the judges of the Constitutional Court, the President of the Supreme Court, judges of courts of first and second instance and the General Public Prosecutor, as well as a representative of the Constitutional Court of Uzbekistan.

After a presentation led by a professor of political science on the stakes involved in judicial independence in a State governed by the rule of law but also for civil society in general, the presentations looked at different aspects of the independence of the bodies of judicial power. The rapporteurs thus discussed the fundamental right of citizens to rely on the independence of the judge, the necessity of financial independence of the courts and the relations between courts. Presentations by local speakers allowed participants to become acquainted with the situation of the courts as whole with respect to the theme of the workshop but also to take stock of the projects of reform currently in progress.

The discussions, which were remarkably open and constructive, tackled all the important constitutional issues linked with independence but also, more widely, those relating to all institutions – judicial or otherwise – of the country which will have to be dealt with by Kyrgyzstan, in the process of establishing the rule of law based on the principles of the separation of powers, democracy and the respect of human rights.

During the debates, the specific problems of the relations between the Constitutional and Supreme Courts as well as the prosecutor's right to intervene by means of an appeal in cases concerning civil law between private parties were discussed. An urgent need of training for ordinary judges as well as better funding of the courts as a whole were identified unanimously. This lack of resources could seriously threaten the independence and impartiality of judges.

This workshop was part of a series of workshops organised in cooperation with newly created constitutional courts. The series began in October 1996; the next workshops for 1998 are scheduled to take place in Armenia, Azerbaijan, Georgia and Ukraine.