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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT of MONTENEGRO
and
THE OSCE MISSION to MONTENEGRO

CONFERENCE ON
“EFFICIENT DEALING WITH INDIVIDUAL COMPLAINTS
BY THE CONSTITUTIONAL COURT -
INTERNATIONAL EXPERIENCES

Podgorica, Montenegro
12-13 June 2009

SYNOPSIS

Upon the request by the Constitutional Court of Montenegro, the Venice Commission in cooperation with the Constitutional Court of Montenegro, the OSCE mission to Montenegro and the Office of the Council of Europe in Podgorica organised a seminar on the "Efficient dealing with individual complaints – International experiences" on 12-13 June 2009 in Podgorica.

The aim of the seminar was to familiarise the judges of the Constitutional Court of Montenegro with the ways of dealing with the individual complaint, a competence introduced by the new Law on the Constitutional Court of October 2008. Participation by the Venice Commission was desired by the Court since the Venice Commission has delivered an opinion on the draft law on the Constitutional Court adopted at its plenary session of October 2008.

Among the participants were judges and members of the registry of the Court, the Government Agent of Montenegro at the European Court of Human Rights, representatives of the OSCE Mission to Montenegro and of the Council of Europe office in Podgorica. Two experts from the Constitutional Court of Bosnia and Herzegovina were invited by the OSCE Mission and two other experts - by the Venice Commission, namely Mr Luc Lavrysen, judge from the Constitutional Court of Belgium and Professor Markus González Beilfuss, legal advisor at the Constitutional Tribunal of Spain, accompanied by Ms Tatiana Mychelova, External Relations Officer.

Since the formal introduction of the individual complaint as a new competence of the Court by the Law on the Constitutional Court of October 2008, the Court has received 500 individual complaints. The Court felt the need to know as much as possible about the efficient ways of dealing with the complaints. The discussions covered the following issues:

- the date of entry into force/applicability of the ECHR in Montenegro;
- place of international treaties in the national legal order;
- access to the Court's proceedings;
- remedies to speed up the processing of applications;
- the role and the organisational structure of the registry of the Court.

It was also stressed that for a young Constitutional Court a balance should be found between measures of timely processing of applications and systematic individual protection, the latter being nevertheless a priority.

The participants were informed that the Commission was analysing the text of the new Law on the Court to see if the recommendations given in its opinion were taken into account.

The Commission was also preparing a study on individual access to constitutional justice upon the request of the German government. This announcement met with much interest from all participants.

In addition, the participants were informed about services that the Venice Commission could offer to the Court in order to facilitate the access to information on peer courts, namely, amicus curiae opinions, CODICES and the Venice Forum (means for getting information on specific issues quickly via the liaison officers from other Courts).

The Constitutional Court of Montenegro also expressed the need to organise a seminar on the second new competence given by the new Law on the Court, i.e. Interpretation of and compliance with the international treaties, which was organised with the support of the Venice Commission in November 2009.

The excellent contribution by Ms Ana Zec from the Council of Europe Office in Podgorica to the organisation of the seminar should be noted.