



Strasbourg, 5 November 2010

**CDL-JU(2010)028**

Engl. only

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

in co-operation with the

**Constitutional Court of Armenia,  
the International Association of Constitutional Law  
and with the support of the German Society for Technical Co-operation (GTZ)**

**XV YEREVAN CONFERENCE ON THE  
15<sup>TH</sup> ANNIVERSARY OF  
THE CONSTITUTION OF ARMENIA**

**ON**

**“SAFEGUARDING AND PROTECTION OF HUMAN  
CONSTITUTIONAL RIGHTS IN THE PRACTICE OF  
CONSTITUTIONAL JUSTICE,  
TAKING INTO ACCOUNT THE LEGAL POSITIONS OF  
THE EUROPEAN COURT OF HUMAN RIGHTS”**

**YEREVAN, ARMENIA, 21-23 OCTOBER 2010**

**SYNOPSIS**

The Constitutional Court of Armenia organised, in co-operation with the Venice Commission, the International Association of Constitutional Law and with the support of the German Society for Technical Co-operation (GTZ) the XVth Yerevan Conference to celebrate the 15<sup>th</sup> anniversary of the Constitution of Armenia, on the topic “Safeguarding and protection of Human Constitutional rights in the practice of Constitutional Justice, taking into account the legal positions of the European Court of Human Rights” in Yerevan, Armenia on 21-23 October 2010.

The following participated in the Conference (around 70 participants in all): Judges of the European Court of Human Rights, Presidents or judges of Constitutional or Supreme Courts of: Luxembourg, Georgia, Bulgaria, Greece, Norway, Ukraine, “The former Yugoslav Republic of Macedonia”, Latvia, Poland, Slovakia, Korea, Belarus, Mexico, Kazakhstan, Lithuania, Slovakia as well as the Ambassador of Germany in Armenia, academics, the President of the International Association for Constitutional Law. The Venice Commission was represented by its President Mr Gianni Buquicchio.

The Conference itself was split into four working sessions and covered such topics as “Interaction of European Court of Human Rights and national systems of constitutional justice in safeguarding and protection of Human Rights”, “Peculiarities of functioning and problems of improvement of capability of institution of an individual complaint”, “Procedural aspects of improvement of the system of an individual constitutional complaint” and “Peculiarities and problems of implementation of constitutional court decisions adopted on the basis of an individual constitutional complaint”.

The main discussions centred on the high number of cases before the constitutional courts and the European Court of Human Rights.

One thing that can be done is for states to provide more effective human rights protection mechanisms and this begins in national courts and, more particularly, in constitutional courts with for instance the individual complaints procedure. Many constitutional courts have introduced such a procedure, but courts need to also introduce effective filtering systems or face an overburdening caseload.

This issue has been addressed by the Venice Commission in its Study on Individual Access to Constitutional Justice, an in-depth report that provides an overview of the existing mechanisms in the Venice Commission’s member and observer states. Its intention is to contribute to a better understanding of the great variety of adopted solutions and is also an analysis of the merits of the various systems drawn up on the basis of constitutions and legal texts provided in the Venice Commission’s CODICES database.

It is clear from this Study that the introduction of the individual complaints procedure reduces the number of cases from the country that has introduced this procedure ending up in front of the European Court of Human Rights. And, although this procedure carries the risk of overburdening the constitutional court, a balance must be struck between this risk and the individual’s access to constitutional justice.

The speeches presented at the Conference will be published in the 2010 Almanac of the Constitutional Court of Armenia.