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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
the Constitutional Court of Ukraine
and the German Foundation for international Legal Co-operation

**CONFERENCE CELEBRATING
THE 15TH ANNIVERSARY OF
THE CONSTITUTIONAL COURT OF UKRAINE**

ON

**« THE PROTECTION OF HUMAN RIGHTS
BY BODIES OF CONSTITUTIONAL JUSTICE:
POSSIBILITIES AND PROBLEMS OF INDIVIDUAL ACCESS »**

KYIV, 16 SEPTEMBER 2011

SYNOPSIS

The Constitutional Court of Ukraine organised, in co-operation with the Venice Commission and the German Foundation for International Legal Co-operation a conference dedicated to the 15th anniversary of the Constitutional Court of Ukraine, on the topic "*The protection of human rights by bodies of constitutional justice : possibilities and problems of individual access*" in Kyiv, Ukraine on 16 September 2011.

The Conference gathered together around 100 participants and was opened by Mr Anatolii Holovin, the Chairman of the Constitutional Court, Mr. Volodymyr Lytvyn, the Speaker of the *Verkhovna Rada* (Parliament) of Ukraine, Mr Gianni Buquicchio, President of the Venice Commission and Mr Dirk Mirow, Director at the German Foundation for International Legal Co-operation.

Participants to the conference included representatives of the President's Administration, representatives from the *Verkhovna Rada* (Parliament), the Minister for Justice, the Prosecutor General, the Authorised Human Rights representative of the *Verkhovna Rada* (ombudsman), chairmen of courts of general jurisdiction, academics, the current and former Presidents and Judges from the Constitutional Courts of Austria, Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Germany, Kazakhstan, Lithuania, Moldova, Romania, Russia, Serbia, Tajikistan, "the Former Yugoslav Republic of Macedonia" and Turkey.

The President of the Constitutional Court of Armenia, Mr. Gagik Harutyunyan, presented the Venice Commission's study on Individual Access to Constitutional Justice, which covers various forms of access to constitutional justice in more than 50 countries.

In their opening speeches, both the Chairman of the Constitutional Court of Ukraine and the Speaker of Parliament announced that Ukraine was on the eve of introducing an individual complaint procedure before the Constitutional Court.

In his opening speech, Mr. Buquicchio insisted that in order to be seen as an effective remedy by the European Court of Human Rights, a full individual complaint, including against final judgements by the ordinary courts, should be introduced. The Venice Commission's study on individual access could provide guidance in this respect and the Commission was ready to assist the Ukrainian authorities in this effort.

The Conference covered the following issues :

- the characteristics of the individual complaint procedure where it exists ;
- the difficulties met by some States in introducing individual complaint procedures;
- the positive effect of the setting-up of an individual complaint procedure on the number of cases brought to the European Court of Human Rights where this procedure has been constructed in order to be accepted as an effective remedy by the Strasbourg Court ;
- the impact of the introduction of such a procedure on the workload of Constitutional Courts and the way Constitutional Courts face this problem through various ways of filtering cases.

The reports/proceedings of the Conference will be published by the Constitutional Court of Ukraine.