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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT OF AZERBAIJAN

CONFERENCE

**On the occasion of the 10th anniversary of the
Constitution of Azerbaijan**

**ROLE OF THE CONSTITUTION IN
BUILDING A STATE GOVERNED BY THE
RULE OF LAW**

11-12 November 2005
Baku, Azerbaijan

SYNOPSIS

On the occasion of the 10th anniversary of the Constitution of Azerbaijan, the Constitutional Court of Azerbaijan organised in cooperation with the Venice Commission, the OSCE Office in Baku and GTZ a conference on the “Role of the Constitution in Building a State Governed by the Rule of Law” (Baku, 11-12 November 2005).

The delegation of the Council of Europe was composed of Mr Hanlar Hajiev, judge at the European Court of Human Rights, Mr G. Buquicchio, Secretary of the Venice Commission and Ms T. Mychelova, External Relations Officer of the Venice Commission.

Among the local participants were Constitutional Court judges and members of the registry, the President of the Supreme Court and other courts’ judges, the Head of the Department on Law Enforcement Agencies of the Presidential Administration, the Minister of Justice, the Ombudsperson, academics and students. Presidents and judges of 12 European courts as well as judges from Korea and Israel as well as the Heads and staff of the OSCE and GTZ offices in Baku also participated in the conference.

The reports and discussions concentrated on the role of the Constitution in a democratic state, basic principles that a democratic constitution should contain and the importance of the inbuilt mechanisms for the implementation of these principles. Following the report by Ms G. Lübbecke-Wolff, Judge at the Constitutional Court of Germany, lively discussions developed on the importance of bridging the gap between the written law and law in practice, where constitutional courts have a central role to play. Constitutional jurisdiction can highlight the lacunas in the implementation of laws and thus improve their effectiveness, first of all of constitutions. Thus, strong constitutional courts in young democracies are crucial to the upholding the rule of law. In this respect, Mr V. Zorkin, the President of the Constitutional Court of the Russian Federation, voiced the concern, which was supported by the Conference, with regard to the existing proposal to abolish the Constitutional Court in Kyrgyzstan. The dissolution of an already established Constitutional Court would be unprecedented and could undermine the protection of human rights in the country.

In addition, the participants agreed that fresh ideas needed to be developed to motivate societies in favour of democracy: in the countries of new democracies the opinion polls showed a shift of preferences towards a stronger central power at the expense of development of democratic institutions. To counteract this tendency, a democratic state should strive to respect also social and economic rights, deriving from the respect for human dignity.

Media presence at the Conference was very important as it was held shortly after the parliamentary elections in Azerbaijan.

The proceedings of the conference will be published by the Constitutional Court of Azerbaijan.