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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

Workshop on
“The relationship between the Constitutional Court and the Ombudsman”
(Kyiv, Ukraine, 1-2 July 1999)

SUMMARY

Under the joint programme between the European Commission and the Council of Europe for legal system reform and promotion of human rights, local government reform and the transformation of the law enforcement system in Ukraine, the Venice Commission, in association with the Ukrainian Constitutional Court and with financial support from the ARD/Checchi Rule of Law consortium and the Deutsche Stiftung für internationale rechtliche Zusammenarbeit, organised a workshop on the relationship between the Constitutional Court and the Ombudsman in the protection of human rights, held in Kyiv (Ukraine) on 1 and 2 July 1999.

The seminar, held at the request of the Constitutional Court of Ukraine, was the first meeting between the members of the Constitutional Court and the Ukrainian Ombudsman.

It gave both institutions the opportunity to state their respective positions regarding future possibilities for developing relations in matters relating to human rights protection. The Constitutional Court was set up in 1996 and the Ombudsman, who was appointed last year, can refer cases concerning human rights directly to the Court.

At the invitation of the Venice Commission, Mr Lavin, Justice of the Supreme Administrative Court, former Ombudsman and a member of the Venice Commission (Sweden), and Mr Gil Robles Gil Delgado, former *Defensor del Pueblo* (Spain), outlined their experience in the field. Other rapporteurs from Germany, Poland and the United States made their own contributions to the discussion.

The workshop gave the participants a real opportunity to work together in explaining and examining the legal framework and arrangements for developing appropriate co-operation between the two institutions in the field of human rights protection. The presentation of experiences from other countries by the guest speakers stimulated a great deal of intensive, lively and constructive debate between all the participants.

The seminar undoubtedly enabled the Constitutional Court to strengthen its position as the state's supreme judicial authority, and gave the Ombudsman a chance to state her views on the relations she plans to develop with the Constitutional Court.

The audience, in particular the press, greatly appreciated the theme of the seminar, since, one year on from the Ombudsman's appointment, close attention is paid to her activities.

Over 50 people attended the seminar: as well as the judges of the Ukrainian Constitutional Court and of the Ombudsman's Office, representatives of the parliament (Rada), the Justice and Foreign Affairs Ministries, universities and NGOs also took part in the proceedings.

The reports will be published in the journal of the Ukrainian Constitutional Court.

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