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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

2nd Conference of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction (Madrid, Spain, 14-15 November 2002)

SYNOPSIS

The Venice Commission, in co-operation with the *Tribunal constitucional* of Spain and with the financial support of the European Commission, organised the second Conference of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction in Madrid, Spain on 14-15 November 2002.

The Conference which took place at the *Tribunal constitucional* of Spain united, for the second time, Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction. All the Constitutional Courts of Enlarged Europe were invited, together with those from Central Asia and other continents, all of which contribute to the Venice Commission's publication Bulletin on Constitutional case-law. The Conference therefore brought together 43 Secretaries General of European Constitutional Courts and Courts of Equivalent Jurisdiction, as well as the constitutional courts of Israel, South Africa, Kazakhstan, Kyrgyzstan, a representative of the Secretariat of the European Court of Human Rights and the Registrar of the Court of Justice of the European Communities. Around 60 participants took part in the whole Conference.

The Venice Commission Secretariat took the opportunity of this Conference to prepare and send out a questionnaire on "the status and functions of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction". This questionnaire, to which 40 Courts (from both Enlarged Europe and other continents) replied, enabled, for the first time, a comparative study to be made on the status and functions of Secretaries General of Constitutional Courts.

The study and the replies will shortly be published. The aim and interest of this study is not only to show points common to all Secretaries General but also and above all to present in a concise manner the variations between the status, functions and responsibilities of Secretaries General.

At the opening of the Conference the Venice Commission Secretariat gave a brief presentation on the replies to the questionnaire, thus enabling as an introduction to outline the features common to all Secretaries General, subsequently the two major themes were developed around reports and discussions.

The first part was devoted to the presentation and examination of the role of the Secretary General in the pre-judicial proceedings of the Court, and in particular questions such as management of individual complaint, occasional preliminary examination of appeals, of the necessary care which the Secretary General should take to ensure that cases are treated within a reasonable time limit which complies with the requirements of the ECHR.

The introduction in certain courts, especially in the European Court of Human Rights, of programmes for the electronic filing of cases particularly interested the participants. The administrative management of the Court and in particular questions linked to the Court's budget and its independence led to interesting exchanges of views and experiences.

The second part of the Conference concentrated on the role of the Secretary General in the public relations of the Court, whether that be its relations with state institutions (such as the Parliament) or with the public or the media. This last point interested most of the Secretaries General; the different ways in which Courts manage their relations with the media raised a lot of questions and is a challenge which the Secretary General should be able to face.

In addition, the Conference gave the participants the opportunity to establish and strengthen contacts with their peers. It thus contributed to the necessary co-operation between Constitutional Courts, which is one of the objectives of the Venice Commission.

As well as the above-mentioned study on the status and functions of the Secretary General, the reports presented will also shortly be published. For further information please contact Ms Caroline Martin from the Venice Commission Secretariat : tel: + 33 388 41 3823; e-mail: caroline.martin@coe.int.

G. BUQUICCHIO

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