

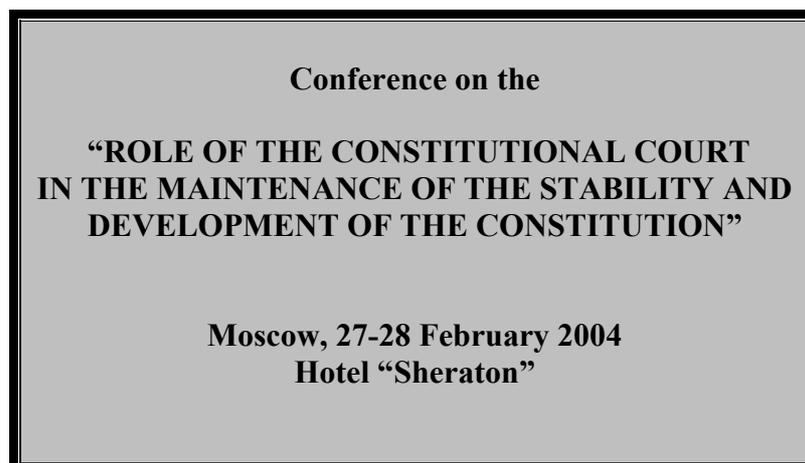


Strasbourg, 24 March 2004

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

**in co-operation with**  
**THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION**  
**and with the assistance of**  
**THE INSTITUTE OF LAW AND PUBLIC POLICY**



**SYNOPSIS**

The Venice Commission organised in co-operation with the Constitutional Court of Russian Federation and with the assistance of the Institute of Law and Public Policy (Moscow) a conference on the “Role of the Constitutional Court in the Maintenance of the Stability and Development of the Constitution” in Moscow on 27-28 February 2004.

The Council of Europe delegation was composed of Mr Anatoly Kovler, judge at the European Court of Human Rights, Mr Gianni Buquicchio, Secretary of the Venice Commission and Ms Tatyana Mychelova, External Relations Officer of the Venice Commission. Among the 63 participants were presidents and vice-presidents of 16 constitutional courts and judges of 7 other courts of the CIS and other European countries.

The reports and interventions concerned the following issues:

- the interpretation of norms in conformity with the Constitution as a method of providing stability in the legal order vs. interpretation of the Constitution as a means to develop the constitutional order;
- the obligatory force of decisions of the Constitutional Court for other courts as a stabilising factor;
- the application of different techniques of interpretation of the Constitution as a factor of its development;
- the application of general principles - rule of law, separation of powers, federalism etc. - by constitutional courts as a factor of development of constitutions

The reports by the Presidents of the Constitutional Courts of Italy and Portugal, among others, gave a good impetus for an in-depth discussion. It was highlighted that the courts, by interpreting constitutions actively, bare a responsibility to avoid a contradiction between the rule of law and democracy. A conflict between the legislator and the judiciary can arise if the courts go too far in interpreting fundamental laws: courts can, as it were, excessively limit the scope of the action of politics. This can and should be avoided by the predictability of the doctrine developed by the courts in their jurisprudence. In fact, in a developed constitutional culture, where the constitutional court is consistent in its doctrine, not only the operative parts of its decisions but also their reasoning should be respected by all state powers.

The event was well organised and received a good coverage in the press. The reports are being published by the Conference of the Constitutional Control Organs of the Countries of Young Democracy (CCCOCYD). Selected reports are translated into Russian and will be published by the Institute of Law and Public Policy in its digest entitled “Comparative Constitutional Review”, issue No 3/2004. In addition, the reports are available on the website of the Commission.