



Strasbourg, 23 September 2004
CCS 2004/07

Restricted
CDL-JU(2004)051syn
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with the
CONSTITUTIONAL COURT OF BELARUS

International Scientific and Practical Conference

*“Constitutional control and development of a social state
ruled by law”*

Minsk, 9 - 10 September 2004

SYNOPSIS

In co-operation with the Constitutional Court of Belarus, the Venice Commission organised a Conference on “Constitutional Control and Development of a Social State Ruled by Law”. The main topics of the Conference were social rights and freedom of expression. The Conference was attended by about 100 participants including Judges from the Constitutional Court, the Minister of Justice, the Chairman of the Human Rights Commission of the National Assembly, as well as representatives of the Presidential Administration, the Council of Ministers, the Supreme Court, the Procurator’s Office, universities, the Federation of Trade Unions, the Bar Association and NGOs including the Belarus Helsinki Committee. The Conference had good media coverage.

The first day was devoted to social rights. The Venice Commission speakers presented the evolution of social rights in France and on the international level, especially the judgments of the European Court of Human Rights. The Chairman of the Constitutional Court, Mr Vasilevich presented the Court’s case-law in this area, which often refers to international standards. The Minister of Justice, Mr Golovanov, highlighted the role of his Ministry in the *a priori* verification of the constitutionality of normative acts. He insisted on the importance of the principle of state sovereignty recognised since the Treaty of Westphalia in 1648. Other national speakers dealt with specific aspects like the relationship of social rights and taxation or social rights of prisoners. Mr Hulak, from the Belarus Helsinki Committee, pointed out that ordinary courts did not directly apply constitutional rights and lawyers had not yet sufficiently developed the habit of insisting on these rights before the courts. A discussion ensued on the question of the retroactive application of legislation touching upon acquired rights. Mr Bulgakhov, the Head of the Law department of the Federation of Trade Unions suggested that the Trade Unions be consulted on legislation affecting social rights and be involved in the technical inspection of work standards.

On the second day the focus was on freedom of expression. The Venice Commission speakers presented European standards and an Irish view on this subject. Ms Protoko from the Belarus Helsinki Committee pointed out that courts did help state officials fight against any infringement of their dignity but that the Committee and its members had failed to get protection from the state against false accusations in the state media. Mr Lipkin, the Chairman of the Human Rights Commission of the National Assembly insisted that the Parliament had succeeded in preventing media concentration in Belarus. A wide range of periodicals would be available, all of which would have access to state printing and distribution facilities. Typically, actions brought against newspapers would be for administrative reasons only, due to incorrect registration of the media and were not related to the contents published. Mr Lipkin insisted that the media legislation was in conformity with European standards. Asked by a participant whether an opinion on the draft media law would be sought from the Venice Commission, Mr Lipkin pointed out that no draft had been presented to Parliament so far.