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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**in co-operation with the  
CONSTITUTIONAL COURT OF ARMENIA**

**IX<sup>th</sup> YEREVAN INTERNATIONAL CONFERENCE**

**ENSURING THE PRINCIPLE  
OF THE RULE OF LAW IN THE PRACTICE  
OF CONSTITUTIONAL JUSTICE**

**Yerevan, 15-16 October 2004**

**SYNOPSIS**

In co-operation with the Constitutional Court of Armenia, the Venice Commission organised the IXth International Conference on “Ensuring the principle of the rule of law in the practice of constitutional justice” (Yerevan, 15-16 October 2004).

The Conference was attended by approximately 50 participants including the judges from the Constitutional Court of Armenia, Members of the National Assembly, the Prosecutor General and his Deputy, representatives of the Presidential administration, Judges of the Court of Cassation, Court of Appeal, courts of 1<sup>st</sup> instance, the Ombudsperson, the academic world and the specialised press.

Parallel to the seminar, the Secretary of the Venice Commission, Mr Buquicchio, met with the Prime Minister of the Republic of Armenia, Mr Andranik Margaryan, and the Deputy Speaker of the National Assembly, Mr Tigran Torosyan, to discuss pending opinions concerning Armenia.

The Council of Europe’s delegation was composed of Mr András Baka and Ms Alvina Gyulumyan, Judges at the European Court of Human Rights, Mr Francois Luchaire, Former Judge of the Constitutional Court of Andorra, Member of the Venice Commission, Ms Eliška Wagnerová, Vice-President of the Constitutional Court of the Czech Republic, Substitute Member of the Venice Commission, Mr Jose de Sousa e Brito, former Judge of the Constitutional Court of Portugal, Professor at the New University of Lisbon, Mr. Valery Zorkin, President of the Constitutional Court of the Russian Federation, Mr Gianni Buquicchio, Secretary of the Venice Commission and Ms Tatyana Mychelova, External Relations Officer, Venice Commission.

Speakers representing 18 constitutional or supreme courts addressed the topic of the conference from the perspective of their national systems.

It was pointed out that respect for the rule of law can be seen in a formal way as state action based on legal norms and thus can prevent arbitrariness on the part of the executive. This is important but not sufficient. There is a need for a material concept of the rule of law - laws have to be founded on human dignity which implies the protection of human rights. Such a material concept of the rule of law ensures that the individual is not subject to arbitrariness neither from the executive nor from the legislator. Constitutional courts have a central position in ensuring that these principles are met in practice.

An inevitable consequence of the respect for the principle of the rule of law is the respect for court decisions and in particular of decisions of the Constitutional Court, notably as regards their final and binding character. It was stressed that the support of the constitutional courts by the Venice Commission remains crucial for the independence of the courts and for them to be the true guarantors of the respect of democratic principles in general and of the rule of law principle in particular.

Reports presented at the seminar will be published in the Almanac of the Conference of Constitutional Control Organs of the Countries of Young Democracy (CCCOCYD).