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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**in co-operation with
the Constitutional Court of Kyrgyzstan**



SYNOPSIS

The Constitutional Court of Kyrgyzstan together with the Venice Commission organised a Conference on the "*Supremacy of law and the independence of the judiciary – guarantees for the stability of democratic institutions*". This event took place in Bishkek on 27-28 May 2008 and was financed by the EC's Joint Programme on "Constitutional Assistance to Kazakhstan and Kyrgyzstan".

Messrs James Hamilton (Ireland), Harry Gstöhl (Liechtenstein) and Hjötur Torfason (Iceland) acted as rapporteurs. The purpose of the mission was to allow the rapporteurs to discuss and obtain information on the current judicial reform in Kyrgyzstan. The Venice Commission was requested, by the Constitutional Court of Kyrgyzstan, to prepare opinions on the following laws: (1) the draft Law on judicial self-government; (2) the draft Law on the status of judges; (3) the draft Law on the jury; (4) amendments to the Law on the Supreme Court; (5) amendments to the Law on constitutional proceedings and (6) amendments to the Law on the Constitutional Court.

The following participated in this Conference (around 70 participants in all): Head of the Presidential Administration, Chairperson and judges from the Constitutional Court of Kyrgyzstan, chairpersons and judges from the Supreme Court, local and regional courts, members of Parliament (*Jogorku Kenesh*), Ombudsman of Kyrgyzstan, Deputy Public Prosecutor, President and members of the Judges' Association, representative of the Lawyers' Association of Kyrgyzstan, representative of the Judges' training centre of Kyrgyzstan, Director of Legal policy research centre of Kazakhstan, professors of law (sub-faculty of KRSU), representatives of the European Commission, of the SOROS Foundation, of Freedom House and the OSCE/ODIHR and journalists.

Discussions focused on the problems encountered with the independence of the judiciary in Kyrgyzstan; whether "self-government" was a good thing for the judiciary; the difference between safeguarding and protecting human rights and what is meant by the supremacy of law. There seemed to be a general misconception among the participants that all European countries respected the rule of law at all times, without there ever being any violations. The rapporteurs gave examples of situations in Europe where the rule of law was breached and how such situations were remedied and in this context they also explained the important role played by the media.

The President of the Constitutional Court, Ms Sydykova, found the conference most fruitful and explained that the Kyrgyz judiciary was slowly becoming a real power in Kyrgyzstan and that, with the adoption of the new Constitution, a number of measures were being directed at improving the judiciary. She underlined the need for greater responsibility of judges and better quality of decisions and laws that regulate court activities in her country and she believes that Kyrgyz courts must now show that they are just and fair so as to regain the confidence of the Kyrgyz people.