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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
CONSTITUTIONAL COURT OF TURKEY

**FOURTH CONFERENCE
OF SECRETARIES GENERAL OF CONSTITUTIONAL COURTS
AND COURTS OF EQUIVALENT JURISDICTION**

Ankara, Turkey, 1-2 October 2009

SYNOPSIS

The Venice Commission organised the fourth Conference of Secretaries General of Constitutional Courts and Courts of Equivalent Jurisdiction in co-operation with the Constitutional Court of Turkey in Ankara on 1-2 October 2009.

The Conference took place in the new building of the Constitutional Court of Turkey and gathered together 22 secretaries general of constitutional courts from all over Europe as well as from the Constitutional Council of Morocco.

The reports and discussions focused on four themes:

The first was on case management and the procedure of preliminary requests, where participants discussed the pros and cons of constitutional complaints that challenge court rulings and those that challenge statutes; the fact that the Council of Europe tends to favour complaints that challenge rulings as these ease the caseload of the European Court of Human Rights. The participants also learned about the role of the Secretary General of the Constitutional Court of Morocco and how his role is limited to electoral disputes in contrast with the extended role played by the Swiss *greffier*, the *référéndaire* at the Court of Justice of the European Communities, the Macedonian law clerks and the Italian *cancelliere*, which was discussed under the second theme, the preparation of decision of constitutional courts (the role of law clerks).

Discussions covered such issues as the advantages and disadvantages of having only one judge decide on the admissibility of a complaint, they also covered the individual complaints procedure and the fact that Turkey has been considering the introduction of such a procedure since 2004, but that due to the lack of support from the Turkish Council of State and the Court of Cassation, discussions were still ongoing.

The third theme dealt with the secretary general's relationship with the outside world: the rights of third parties, the right to access official documents and the publication of the decisions of constitutional courts. This was a very timely subject in view of the recent judgment of the European Court of Human Rights in the case of *Társaság A Szabadságjogóért v. Hungary* and the new Council of Europe *Convention on access to official documents* adopted on 18 June 2009. Participants discussed and compared the information that their courts provided on their websites and how long it takes them to publish decisions.

The last theme dealt with the financial management and economic constraints of the constitutional court. The independence of the courts' budget was discussed as well as budget strategies, how and when audits are carried out and informing/reporting on the use of public funding.

Participants agreed that the next Secretaries General meeting should take place in 2012 and were invited by the Secretariat to propose a venue.

The reports, the programme and the list of participants are available on the Venice Commission website (www.venice.coe.int), in the Constitutional Justice section (CDL-JU documents).