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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
the Federal Supreme Court of Brazil

**2ND CONGRESS OF THE WORLD CONFERENCE ON
CONSTITUTIONAL JUSTICE**

**“SEPARATION OF POWERS AND INDEPENDENCE OF
CONSTITUTIONAL COURTS AND EQUIVALENT BODIES”**

RIO DE JANEIRO, 16-18 JANUARY 2011

SYNOPSIS

The 2nd Congress of the World Conference on Constitutional Justice was hosted by the Federal Supreme Court of Brazil in co-operation with the Venice Commission and took place in Rio de Janeiro on 16-18 January 2011. The topic of the Conference was the "Separation of Powers and Independence of Constitutional Courts and Equivalent Bodies". This event successfully brought together 88 Constitutional Courts, Constitutional Councils and Supreme Courts as well as 10 regional and linguistic groups of courts from Africa, the Americas, Asia and Europe.

The Congress gave the Courts the opportunity to discuss issues relating to their independence in their relations with other state powers, especially on pressure from the executive or the legislative but at times also from the media (papers available at www.venice.coe.int/WCCJ/Rio/Papers/WCCJ_papers_E.asp).

The purpose of the Congress was to enable judges to draw inspiration for such situations from their peers in other countries, especially at a time when constitutional justice is in danger in a number of countries. Reference to similar cases in other countries can give an added legitimacy to a judgement. This can be crucial in cases where a judge expects the decision to be disliked by the other state powers. Discussions among judges may provide the moral support necessary to remain faithful to the Constitution even in difficult situations.

The discussions focused on the independence of the constitutional court or equivalent body as an institution, the constitutional independence of individual judges and operating procedures of courts as a means to guarantee their independence. The discussions revealed that these aspects are closely linked together.

The participants also discussed a draft Statute for the World Conference as a permanent body, which is expected to be opened for accession during the course of 2011.

History of the World Conference:

Since 1996, the Venice Commission has established co-operation with a number of regional or language based groups of constitutional courts, in particular the Conference of European Constitutional Courts, the Association of Constitutional Courts using the French Language, the Southern African Judges Commission, the Conference of Constitutional Control Organs of Countries of Young Democracy, a number of Asian constitutional courts, the Union of Arab Constitutional Courts and Councils and the Ibero-American Conference of Constitutional Justice.

In the pursuit of the goal of uniting these groups and their members, the Commission organised for the first time a Congress of the World Conference on Constitutional Justice, which was held in Cape Town, South Africa on 23-24 January 2009 in co-operation with the Constitutional Court of South Africa.