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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**16<sup>th</sup> Meeting of the Joint Council  
on Constitutional Justice**

**Karlsruhe, Germany**

**18-19 May 2017**

**MEETING REPORT**

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### **A. Training session**

Mr Schnutz Dürr made a brief presentation on the preparation of *précis*, focusing on the writing of headnotes and indexing. He then presented the IT-tools that are available to the liaison officers, which include:

- the procedure for resetting the password that expires every 63 days ([http://www.venice.coe.int/WebForms/pages/?p=05\\_password\\_reset](http://www.venice.coe.int/WebForms/pages/?p=05_password_reset));
- access to the public and restricted website of the Venice Commission ([www.venice.coe.int](http://www.venice.coe.int)), including the list of courts, the list of secretaries general, the list of liaison officers, regional and linguistic groups, the World Conference on Constitutional Justice ([http://www.venice.coe.int/WebForms/pages/?p=02\\_WCCJ](http://www.venice.coe.int/WebForms/pages/?p=02_WCCJ)), and opinions and reports.

Mr Dürr also explained how to access the Venice Forum, which includes:

- the Newsgroup the “Classic” Venice Forum (per e-mail exchange);
- the Observatory (<https://cs.coe.int/team21/veniceforum/default.aspx>); and
- how to search the CODICES database ([www.CODICES.coe.int](http://www.CODICES.coe.int)).

### **B. Joint Council meeting**

#### **1. Opening**

Mr Andreas Voßkuhle, President of the Federal Constitutional Court of Germany, welcomed the participants to the 16<sup>th</sup> meeting of the Joint Council on Constitutional Justice (hereinafter, the “JCCJ”), held in the Audience Room of the Court. He praised the work of the JCCJ, underlining the importance of having a platform for the exchange of information and ideas between long-established and new democracies, for constitutional law. He underlined the importance of the role of constitutional courts and courts with equivalent jurisdiction and that to weaken their effectiveness represented a threat to human rights as well as to the rule of law. Mr Voßkuhle ended his presentation by calling for solidarity, cooperation and the continued exchange of experiences between constitutional courts across national borders in order to strengthen the rule of law and democracy.

Mr Gianni Buquicchio, President of the Venice Commission, informed the participants about the origins of the Venice Commission and how the fall of the Berlin Wall, in 1989, provided an impetus for the creation of this body. Establishing a permanent exchange of information and dialogue between constitutional courts and courts with equivalent jurisdiction was a major goal of the first President of the Venice Commission, Mr Antonio La Pergola. While the Conference of European Constitutional Courts only met every three years, the Venice Commission invited the courts to appoint liaison officers to facilitate the exchange of information and to meet on a yearly basis. A 1992 report by the liaison officers of the Belgian Court of Arbitration for the meetings of the Sub-Commission on Constitutional Justice and the liaison officers became the blueprint for the *Bulletin on Constitutional Case-Law* and the CODICES database. The purpose of this work was to inspire the courts mutually (“*cross-fertilisation*”) and its success in Europe led to cooperation with regional and language-based groups of courts in other regions, which in turn evolved into the World Conference on Constitutional Justice.

#### **2. Adoption of the Agenda**

The agenda was adopted.

### 3. Communication by the Secretariat

Mr Dürr informed the participants that Mr Rik Ryckeboer, liaison officer for the Constitutional Court of Belgium, who – together with Pierre Vandernoot – was the author of the 1992 report on the creation of the *Bulletin on Constitutional Case-Law* as well as the CODICES database, would be retiring on 1 August 2017. Mr Ryckeboer will be greatly missed by the JCCJ.

Ms Krisztina Kovács, liaison officer for the Constitutional Court of Hungary and the former Co-President of the JCCJ, as well as a very active member in the Venice Forum, in meetings and in the mini conferences of the JCCJ – will also be leaving the JCCJ. Ms Kovác will also be greatly missed.

Both Mr Ryckeboer and Ms Kovács thanked the participants and the Secretariat and said that they had seen the JCCJ evolve over the years and that it was a source of information and learning that they have both enjoyed and will miss.

The participants were also informed that one of the former liaison officers of the JCCJ from the Constitutional Court of Turkey, Justice Bekir Sözen, had been detained on 16 July 2016, following the failed *coup d'état* in Turkey and, that according to the information received by the Secretariat, he was currently in solitary confinement. Ms van Roosmalen suggested that the JCCJ send a letter signed by its co-presidents to the Turkish authorities, expressing the hope and expectation that the former member of the Joint Council be given a fair process in full respect for his rights of defence (see letter and reply in Appendix 1 to this meeting report).

Mr Dürr went on to inform the participants about the current activities of the Venice Commission. He explained that the March plenary session focused on Turkey with the Opinion on Measures provided in the recent emergency Decree-Law with respect to Freedom of the Media<sup>1</sup> and the Opinion on the duties, competences and functioning of the criminal peace judgeships<sup>2</sup>. In the field of constitutional justice, Mr Dürr explained that an *amicus curiae* brief for the Constitutional Court of the Republic of Moldova on the criminal liability of judges,<sup>3</sup> an Opinion on the appointment of judges of the Constitutional Court of the Slovak Republic and an Opinion on the Law of 16 October 2015 amending the Organic Law No. 2/1979 on the Constitutional Court of Spain<sup>4</sup> were adopted.

In 2016, after the JCCJ's 15<sup>th</sup> meeting, the Opinion on the Act on the Constitutional Tribunal of Poland was adopted, following which Mr Buquicchio had made a statement on the situation in Poland in January 2017.<sup>5</sup> An Opinion on the draft law on the Constitutional Court of Ukraine was adopted – this Law was introduced following constitutional amendments.

Mr Dürr concluded by saying that for the upcoming June plenary session of the Venice Commission, a draft opinion on the draft Law on the Constitutional Court of Armenia was on the agenda.

**The JCCJ decided that a letter signed by its Co-Presidents be sent to the Turkish authorities, expressing the hope and expectation that the former member of the JCCJ be given a fair process in full respect for his rights of defence (see Appendix 1 to this meeting report.**

<sup>1</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)007-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)007-e)

<sup>2</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)004-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)004-e)

<sup>3</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)002-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)002-e)

<sup>4</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)003-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)003-e)

<sup>5</sup> <http://www.venice.coe.int/webforms/events/?id=2352>

#### 4. Updating data on the participating courts

Mr Dürr reminded the participants that it was very important for the Venice Commission to be informed about any changes in courts and invited liaison officers to inform the Secretariat, notably Ms Jayne Aparicio ([jayne.aparicio@coe.int](mailto:jayne.aparicio@coe.int)) regularly of these changes.

Before using the links below, please log on at:

<http://www.venice.coe.int/webforms/courts/>  
<http://www.venice.coe.int/WebForms/contacts/Default.aspx?cat=LO>

#### 5. Venice Forum

The Secretariat presented the Venice Forum, which includes the “Classic” Venice Forum, the Newsgroup and the Constitutional Justice Observatory.

##### 5.a. “Classic” Venice Forum

Ms Tanja Gerwien explained the functioning of the “Classic” Venice Forum, which is an e-mail-based system in which liaison officers can ask questions relating to cases pending before their respective courts to all other member courts. Following a check by the Secretariat, the question is translated and sent to all liaison officers, who then reply to the requesting court and send a copy to the Secretariat. The Secretariat keeps the archive of all previous requests and replies on a restricted website.

She reminded liaison officers that the archive site was accessible only by password and instructions on how to obtain a password were included in the welcoming letters liaison officers received when they are appointed.

Ms Gerwien then briefly presented the “Classic” Venice Forum’s guidelines ([http://www.venice.coe.int/webforms/documents/?pdf=CDL-JU\(2015\)006-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-JU(2015)006-e)), notably regarding the subject of the requests made, the importance of sharing preliminary research in CODICES and to formulate the request clearly, including elements that allow the liaison officers to understand the context of the questions raised – and to provide a deadline for replies that should give the liaison officers enough time to reply.

Ms Gerwien also reminded liaison officers that the archive of all previous requests made to the Forum and the replies received are available on the restricted website at:

<http://www.venice.coe.int/JU/VeniceForum>

Year	Number of questions received (in total)	Number of answers received (in total)
2016	31	444
2017 (up to 11 May)	13	160
<b>TOTAL</b>	<b>44</b>	<b>604</b>

##### 5.b. Venice Forum Newsgroup

Mr Dürr explained that the Newsgroup enables courts to actively share information with each other, e.g. to make on-line announcements on recent key judgments, important conferences or on appointments of court presidents (but not on appointments of judges, as this would create too many alerts) and to make various requests for general information.

He said that it was also used by the Secretariat to inform liaison officers about accessions to the World Conference on Constitutional Justice (WCCJ).

Liaison officers are alerted every Friday at 15:00 / 3 pm CET about new items that are added to the Newsgroup.

Liaison officers who are new or have not received these alerts or cannot access the Venice Forum, are invited to contact the Secretariat.

### **5.c. Observatory**

Mr Dürr informed the participants that the Observatory was sent in the form of an e-mail to members and liaison officers having subscribed to it and presents information on news agency dispatches and press articles relating to constitutional courts and equivalent bodies.

He explained that the information presented was the product of an Internet search in English and in French and did not purport to provide a complete picture of any decision or development of constitutional justice in general. Although the Venice Commission cannot vouch for the accuracy of the information sent, it can add any information provided by the court concerned or remove an alert, upon request.

Mr Dürr reminded liaison officers that they may register for weekly Observatory messages.

He apologised for the recent interruption of the service, which was due to the illness of the colleague in charge of the Observatory.

### **6. Superior Courts Network**

Ms Onur Andreotti from the Registry of the European Court of Human Rights (ECtHR) informed the participants about the Superior Courts Network (SCN), established by the ECtHR. She explained that the network was launched in October 2015 by the former President of the European Court of Human Rights, Mr Spielmann, and was still in its early days. It currently counts 50 national superior courts, including Supreme Courts, Constitutional Courts, Courts of Cassation, Federal Administrative Courts and Council of States, from 31 member states of the Council of Europe. This network creates a closer link between these courts and the European Court of Human Rights through focal points designated by the national superior court(s) and the European Court of Human Rights. It is not a judicial network, but a network between court registries. The network has been created to allow an exchange of research resources between national superior courts in the wake of the entry into force of Protocol No. 16 to the ECHR. The member courts of this network contribute to the European Court of Human Rights' comparative research, notably for Grand Chamber cases.

Ms Andreotti informed the participants that the first SCN Focal Points Forum will take place on 16 June 2017 in Strasbourg, France.

A number of liaison officers raised concern that this network would rival and overlap with the Classic Venice Forum of the Venice Commission, since the SCN is not limited to Supreme Courts only, but also covers Constitutional Courts – all of which are members of the Venice Forum. They also insisted that this creates a challenge for the courts, as they will be requested to feed information to two networks. In addition, the courts that will be a part of the SCN cannot and should not be seen as representing the authoritative state position on the law of the country. In addition, some liaison officers wanted to know whether the resulting comparative analysis would be available to all court members of the SCN.

Mr Dürr explained the difference between the two networks: the Classic Venice Forum is multilateral and includes the liaison officers of the JCCJ courts (constitutional courts in countries where they exist and supreme courts in other countries). The requests and replies are made available to all liaison officers. But they are not public. The SCN is a bilateral exchange between the ECtHR and the focal points of a given country (both constitutional courts and supreme courts together). The framework is different from the Classic Venice Forum, hence there is no competition between the two.

Ms Andreotti explained to the participants that constitutional court members of the SCN had not complained about having to answer the same or similar questions for the SCN as those they received on the Classic Venice Forum. The nature of the information shared via the SCN was not confidential, but it was important to note that the resulting comparative analysis produced by the ECtHR's Jurisconsult did not have any legal status due to the fact that the Jurisconsult does not have the authority to speak on behalf of the European Court of Human Rights. Participating courts may reproduce the information provided, but will be requested to remove the European Court of Human Rights' logo from the text. Ms Andreotti concluded by informing the participants that many aspects, including whether the analysis will be made available to all court members of the SCN, will be discussed at the first SCN Focal Points Forum on 16 June 2017 in Strasbourg, France.

Ms Celestina Iannone added that the goal of the Classic Venice Forum was to share information and the goal of the SCN was to supplement comparative research of the European Court of Human Rights. She explained that the Court of Justice of the European Union is planning to establish its own forum. She suggested that these networks eventually communicate between each other to share information and knowledge.

Link: <http://www.echr.coe.int/Pages/home.aspx?p=court/network&c=>

## **7. Opinions and studies of the Venice Commission**

Mr Dürr informed the participants about opinions and reports on constitutional justice that were adopted by the Venice Commission since the last meeting of the JCCJ that took place in Venice, Italy on 7-8 June 2016.

He explained that the number of *amicus curiae* briefs had increased and that, in an *amicus curiae* brief, the Venice Commission never addresses the issue of whether or not an impugned law or provision of a law is constitutional or not. It only focuses on comparative law aspects – everything else is left to the national court to determine.

Mr Dürr also informed the participants that two studies were being updated: the 1997 study on the composition of constitutional courts and the 2010 Study on individual access to constitutional justice.

Albania	<i>Amicus Curiae</i> brief for the Constitutional Court on the restitution of property ( <a href="#">CDL-AD(2016)023</a> )
	<i>Amicus Curiae</i> brief for the Constitutional Court on the Law on the Transitional Re-evaluation of Judges and Prosecutors (The Vetting Law), ( <a href="#">CDL-AD(2016)036</a> )
Azerbaijan	Preliminary Opinion on the Draft Modifications to the Constitution of Azerbaijan, submitted to the Referendum of 26 September 2016 ( <a href="#">CDL-AD(2016)029</a> )
Bosnia and Herzegovina	<i>Amicus Curiae</i> Brief for the Constitutional Court on the mode of elections in the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina ( <a href="#">CDL-AD(2016)024</a> )
Georgia	Opinion on the Amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings ( <a href="#">CDL-AD(2016)017</a> ).
Kyrgyz Republic	Joint Opinion by the Venice Commission and the OSCE/ODIHR on the introduction of amendments and changes to the Constitution of the Kyrgyz Republic ( <a href="#">CDL-AD(2016)025</a> )
Moldova, Republic of	<i>Amicus curiae</i> brief for the Constitutional Court on the right to recourse action by the state against judges ( <a href="#">CDL-AD(2016)015</a> )
Poland	Opinion on constitutional issues addressed in amendments to the Act of 25 June 2015 on the Constitutional Tribunal of Poland ( <a href="#">CDL-AD(2016)001</a> )
	Opinion on the Act on the Constitutional Tribunal of Poland ( <a href="#">CDL-AD(2016)026</a> )
Russia	Interim Opinion on the amendments to the Federal constitutional law on the Constitutional Court of the Russian Federation ( <a href="#">CDL-AD(2016)005</a> )
	Final Opinion the amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation ( <a href="#">CDL-AD(2016)016</a> )
Ukraine	Opinion on the draft law on the Constitutional Court of Ukraine ( <a href="#">CDL-AD(2016)034</a> )

## 8. Co-operation activities

### 8.a. Co-operation with the Conference of European Constitutional Courts (CECC)

Ms Irina Khakhutaishvili informed the participants about the Venice Commission's co-operation with the Conference of European Constitutional Courts (CECC).

She explained that the Constitutional Court of Georgia had taken over the presidency of the CECC following the Constitutional Court of Austria and was the first non-EU member state to do so. She informed the participants that the XVII<sup>th</sup> Congress of the CECC will take place on 29-30 June 2017 in Batumi, Georgia on the topic the *“Role of the Constitutional Courts in Upholding and Applying the Constitutional Principles.”*

Ms Khakhutaishvili told participants that the next chairmanship of the CECC will be decided between two candidates: the Constitutional Court of the Republic of Moldova and the Constitutional Court of the Czech Republic.

The Venice Commission will publish the working document for the XVII<sup>th</sup> Congress of the CECC, including the General Report of the Congress, as a special edition of the *Bulletin on Constitutional Case-Law* in 2017 (see item 11.b, below).

The CECC participated in the WCCJ Bureau in Venice on 11 March 2017.

29-30 June 2017	Batumi, Georgia – XVII <sup>th</sup> Congress of the CECC on the <i>“Role of the Constitutional Courts in Upholding and Applying the Constitutional Principles.”</i>
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### **8.b Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)**

Ms Caroline Pétilion informed participants about the Venice Commission's co-operation with the Association of Constitutional Courts using the French Language (ACCPUF).

She explained that ACCPUF was created in 1997 at the initiative of the French Constitutional Council in order to establish a network between French-speaking courts with the aim of promoting the strengthening of the rule of law. ACCPUF and the Venice Commission have been cooperating in the field of constitutional justice for 18 years on the basis of the Vaduz agreement of 1999 and the Protocol thereto, signed in Djibouti in 2001. This cooperation was based on sharing information for the database CODICES and by regularly organising training seminars with the strong belief that the sharing of case-law strengthens the European and global constitutional space.

Ms Pétilion informed the participants that ACCPUF will be celebrating its 20<sup>th</sup> anniversary in November of this year and that the Venice Commission was invited to this event.

ACCPUF participated in the WCCJ Bureau in Venice on 11 March 2017.

28-29 September 2016	Chisinau, Republic of Moldova – ACCPUF conferences – 8 <sup>th</sup> Conference of the Association of French-speaking Constitutional Courts (ACCPUF) on “ <i>The organisation of the adversarial principle.</i> ”
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### **8.c Co-operation with the Southern African Chief Justices Forum (SACJF)**

The Venice Commission had participated SACJF conference on organised crime in Windhoek, Namibia, on 22-25 September 2016.

### **8.d Co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND)**

The Venice Commission traditionally co-organises the Yerevan conferences with the Constitutional Court of Armenia and the CCCOCND.

The CCCOCND participated in the WCCJ Bureau in Venice on 11 March 2017.

20-23 October 2016	Yerevan, Armenia – XXI <sup>th</sup> Yerevan International Conference organised by the Constitutional Court of Armenia on “ <i>The role and importance of constitutional courts decisions in addressing legislative gaps and legal uncertainty.</i> ”
19-21 October 2017	Yerevan, Armenia – XXII <sup>th</sup> Yerevan International Conference on “ <i>The Role of the Constitutional Courts in Overcoming Constitutional Conflicts.</i> ”

### **8.e Co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)**

Mr Sungjin Kim informed the participants that the statute of the AACC was amended and that it has two common secretariats: one in Indonesia, which deals with the planning and organisation of events and the other in the Republic of Korea, which deals with research and development. He added that there was also an AACC training centre in Ankara, Turkey.

Mr Kim explained that the AACC will be launching its new website in July 2017.



The inaugural conference of the AACC research and development secretariat was supposed to have taken place in January 2017, however, due to the impeachment procedure against the President of the Republic of Korea, it was rescheduled to October 2017.

Ms Dewi Nurul Savitri added that the Constitutional Court of Indonesia will be organising three events in Solo, Central Java: the first of which is the Meeting of Secretaries General of AACC (7 August 2017); the second is the Board of Members Meeting of AACC (8 August 2017). She explained that, at these two events, discussion will focus on the progress made by the AACC's permanent secretariats, the preparation of the AACC's participation in the WCCJ and the election of the new President of the AACC for the period of 2017 to 2019. The third event is the international symposium, which will be held on 9-10 August 2017 on the theme "*The Constitutional Court as the Guardian of the Constitution, Ideology and Democracy in a Plural Society*".

Ms Savitri also informed the participants that the AACC was planning to discuss the possibility of cooperating with the Conference of Constitutional Jurisdiction of Africa (CCJA).

Mr Mücahit Aydın briefly spoke about the training centre at the Constitutional Court of Turkey in Ankara. The training course available at this centre for the past four years is a summer school on human rights and the topics over the past two years included freedom of expression and the right to privacy. Guest participants hail from all of Europe and further afield and the target audience are mid-level judges.

The AACC participated in the WCCJ Bureau in Venice on 11 March 2017.

8 August 2016	Nusa Dua, Indonesia – 3 <sup>rd</sup> Congress of the AACC on " <i>The Promotion and Protection of Citizens' Constitutional Rights.</i> "
3 October 2016	Strasbourg, France – The Chief Justice of the Constitutional Court of the Republic of Indonesia, Mr Arief Hidayat visited Strasbourg to meet with the Venice Commission.
8-10 August 2017	Solo, Indonesia – Meeting of AACC Secretaries General / AACC Board of Members meeting / Symposium on " <i>The Constitutional Court as the Guardian of the Constitution, Ideology and Democracy in a Plural Society</i> "
October 2017	Seoul, Korea – inaugural conference of the AACC Research and Development Secretariat

#### **8.f. Co-operation with the Ibero-American Conference of Constitutional Justice (CIJC)**

Mr Eloy Espinosa-Saldaña Barrera informed the participants about the Venice Commission's cooperation with the Ibero-American Conference of Constitutional Justice (CIJC). He said that the XI<sup>th</sup> meeting of the CIJC, held in Lima, Peru on 29 June-1 July 2016, discussed the current challenges faced by constitutional justice notably constitutional principles that govern economic institutions, but also the relationship between society and the state, the surrounding environment and the relationship between people and the issue of gender identity. He said that the Venice Commission and the CCJA had participated in the meeting and that a declaration had been adopted, which was handed out (see Appendix 2), as a result of which several courts have started exchanging information.

He explained that the subsequent meeting had taken place in Lima, Peru in October 2016 with the support of the Venice Commission, on the topic of constitutional reform and democratic stability – the role of constitutional courts.

The CIJC participated in the WCCJ Bureau in Venice on 11 March 2017.

29 June -1 July 2016	Lima, Peru – XI <sup>th</sup> meeting of the Ibero-American Conference on Constitutional Justice (CIJC) on “ <i>Constitutional State and Economic Development.</i> ”
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#### **8.g. Co-operation with the Union of Arab Constitutional Courts and Councils (UACCC)**

The UACCC participated in the WCCJ Bureau in Venice on 11 March 2017.

#### **8.h. Co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP)**

Ms Manuela Baptista Lopes informed the participants about the Venice Commission’s cooperation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP). She explained that the CJCPLP had 8 member states, holds a general assembly every two years and a general preparation meeting every year. The next general assembly of the CJCPLP will take place in 2018.

Ms Lopes said that on 14 November 2016, the Constitutional Court of Cape Verde published Volume 1 of the Constitutional Court’s case law and held a conference on constitutional justice. She explained that since the last general assembly in April 2016, the presidency of the CJCPLP is held by the Supreme Court of Guinea Bissau. In October 2017, an international colloquium will take place in Bissau.

The CJCPLP participated in the WCCJ Bureau in Venice on 11 March 2017.

#### **8.i. Co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA)**

Mr Maman Sani Aboudou Salami informed the participants about the Venice Commission’s cooperation with the Conference of Constitutional Jurisdictions of Africa (CCJA). He said that the Venice Commission took part in the 4<sup>th</sup> Congress of the CCJA on 23-26 April 2017 in Cape Town. It was an important meeting during which nine new members joined the CCJA, which now counts 42 members, covering 4/5<sup>th</sup> of the African continent.

Mr Moussa Laraba explained that the CCJA’s secretariat is in Algiers and that its new president was the President of the Constitutional Court of South Africa. The CCJA’s website was very active through its forum for discussions, which exists in four languages: Arabic, English, French and Portuguese.

The CCJA participated in the WCCJ Bureau in Venice on 11 March 2017.

23-26 April 2017	Cape Town, South Africa – 4 <sup>th</sup> Congress of the Conference of Constitutional Jurisdiction of Africa (CCJA) on “ <i>Promoting the Independence of the Judiciary and the Rule of Law.</i> ”
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#### **Commonwealth Group**

*Note:* The Supreme Court of Canada took over the representation of the Commonwealth Group from the Supreme Court of the United Kingdom and represented this Group at the WCCJ Bureau meeting in Venice, Italy, on 11 March 2017.

## 9. World Conference on Constitutional Justice (WCCJ)

Ms Ingrida Danėlienė informed the participants that the organisation of the 4<sup>th</sup> Congress of the WCCJ, which will take place on 11-14 September 2017, was well under way and that 77 members of the WCCJ had registered by the deadline, but that more were expected. The programme for the 4<sup>th</sup> Congress had been distributed and 60 replies to the questionnaire on the theme of the Congress were received. She invited the linguistic groups to appoint chairs for their groups and indicate whether any additional meetings would be organised, as interpretation might be needed.

Mr Dürr thanked the Constitutional Court of Lithuania for the excellent preparation of the 4<sup>th</sup> Congress. He then referred to the questionnaire – explaining that it had two parts, one on the main topic and one on stock-taking – and to the programme, explaining that it was a product of a successful collaboration between the 10 regional groups (chairs, keynote speakers etc.).

Since the WCCJ's Statute entered into force on 24 September 2011, 109 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice have acceded to the WCCJ. The updated list of members is available at:

[www.venice.coe.int/WCCJ](http://www.venice.coe.int/WCCJ).

11 March 2017	Venice, Italy – 11 <sup>th</sup> meeting of the WCCJ Bureau
11-14 September 2017	4 <sup>th</sup> Congress of the WCCJ on “ <i>The Rule of Law and Constitutional Justice in the Modern World</i> ” will be hosted by the Constitutional Court of Lithuania on in Vilnius ( <a href="http://www.wccj2017.lt/en/4th-congress/concept-paper/23">http://www.wccj2017.lt/en/4th-congress/concept-paper/23</a> ).

## 10. Seminars and conferences with Constitutional Courts (CoCoSem)

Participants were informed about the Venice Commission's participation in seminars and conferences since the 15<sup>th</sup> meeting of the JCCJ as well as the programme for future CoCoSem seminars.

2016 – completed events since the last JCCJ meeting	
23-24 June	Budapest, Hungary – the Venice Commission participated in the Conference on “ <i>European Constitutional Democracy in Peril, People, Principles, Institutions,</i> ” organised in cooperation with the University of Exeter Law School and ELTE Faculty of Social Sciences in Budapest, Hungary.
30 June – 1 July	Chisinau, Republic of Moldova – 1 <sup>st</sup> Congress of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions (BBCJ) on “ <i>Role of Constitutional Courts in Protecting Democratic Values.</i> ”
10-11 September	Batumi, Georgia – A delegation of the Venice Commission participated in the international conference on “ <i>Constitutional justice in transitional democracy: success and challenges of constitutional review in Georgia and Eastern Europe.</i> ” This activity was organised with the support of the Programmatic Cooperation Framework (PCF), which is a programme financed by the EU and implemented by the Council of Europe.
21-22 September	Sofia, Bulgaria – International Conference on “ <i>The Protection of Fundamental Citizens' Rights and National Security in the Modern World. The Role of Constitutional Courts</i> ”. Mr Gianni Buquicchio, President of the Venice Commission, participated in this International Conference held on the occasion of the 25 <sup>th</sup> anniversary of the

	Constitutional Court of Bulgaria.
6-10 October	Kiev, Ukraine – Conference at the occasion of the 20 <sup>th</sup> anniversary of the Constitutional Court of Ukraine.
17 October	Gdansk, Poland – The President of the Venice Commission, participated in the Conference on “ <i>The Constitutional Court as Guardian of Constitutional Values</i> ” co-organised by the Constitutional Tribunal of Poland and the Mayor of Gdansk, held in celebration of the 30 <sup>th</sup> anniversary of the Constitutional Tribunal of Poland.
8 November	Pristina, Kosovo – Information seminar, organised by the Venice Commission together with the Council of Europe Office in Pristina for the Constitutional Court of Kosovo as well as the Ministry of Justice of Kosovo. The aim of this seminar was to explain how cooperation with the Venice Commission works, how member states can request opinions and how constitutional courts may turn to the Venice Commission for an <i>amicus curiae</i> brief.
5 December	Strasbourg, France – Participation in the seminar on “ <i>International case-law in Bioethics: Insight and foresight.</i> ”
15 December	St Petersburg, Russia – Moot Court Selection Committee Meeting.
<b>2017 – completed events</b>	
3-4 February	Moscow, Russia – final session of the Moot Court on Constitutional Justice.
22-23 February	Vilnius, Lithuania – Visit of a delegation of the Venice Commission to the Constitutional Court in preparation of the 4 <sup>th</sup> Congress of the World Conference.
2 -3 March	Chisinau, Republic of Moldova – International Conference on the “ <i>Evolution of Constitutional Control in Europe: lessons learned and new challenges</i> ” organised by Constitutional Court of the Republic of Moldova and the Venice Commission. This activity was organised with the support of the Programmatic Cooperation Framework (PCF), which is a programme financed by the EU and implemented by the Council of Europe.
27-28 March	Venice, Italy – Participation in the EU ALDE – EIUC Conference entitled “ <i>United we stand in defence of Democracy, Human Rights and Rule of Law.</i> ”
27-28 April	Minsk, Belarus - Conference in co-operation with the Constitutional Court on the “ <i>Role of constitutional review bodies in ensuring the rule of law in rule-making and law-enforcement</i> ” organised by the Constitutional Court of Belarus together with the Venice Commission. This activity was organised with the support of the Programmatic Cooperation Framework (PCF), which is a programme financed by the EU and implemented by the Council of Europe.
16 May	St Petersburg, Russia – Participation in the International Conference on “ <i>Constitutional Justice: Doctrine and Practice</i> ” organised by the Constitutional Court of the Russian Federation.
20-23 October	Yerevan, Armenia – XXI <sup>th</sup> Yerevan International Conference co-organised with the Constitutional Court of Armenia on “ <i>The role and importance of constitutional courts decisions in addressing legislative gaps and legal uncertainty</i> ”. This activity was organised with the support of the Programmatic Cooperation Framework (PCF), which is a programme financed by the EU and implemented by the Council of Europe.
<b>2017 – upcoming events</b>	
29-30 June	Batumi, Georgia – Participation in the XVII <sup>th</sup> Congress of the Conference of the European Constitutional Courts (CECC) on the

	<i>“Role of the Constitutional Courts in Upholding and Applying the Constitutional Principles.”</i>
19-21 October	Yerevan, Armenia – XXII <sup>th</sup> Yerevan International Conference on <i>“The Role of the Constitutional Courts in Overcoming Constitutional Conflicts.”</i> This activity was organised with the support of the Programmatic Cooperation Framework (PCF), which is a programme financed by the EU and implemented by the Council of Europe.

## 11. Publication of the *Bulletin on Constitutional Case-Law*

### 11.a Regular issues of the *Bulletin*

Mr Dürr informed liaison officers that a number of bulletins had been sent to the wrong addresses. He therefore invited liaison officers to inform the Secretariat if they had not received the usual number of bulletins.

He also raised the issue of the “paper” or hard copies of the bulletin, explaining that it was possible to only have an electronic version of the bulletin and do away with the paper version. However, liaison officers had expressed the wish in the past to keep the paper version.

### 11.b Special *Bulletins*

Mr Dürr informed liaison officers that, as was the practice for every Congress of the Conference of European Constitutional Courts (CECC), the Georgian CECC Presidency had asked the Venice Commission to prepare a working document on the topic of the XVII<sup>th</sup> CECC Congress: *“the Role of the Constitutional Courts in Upholding and Applying the Constitutional Principle”*. The Congress will be hosted by the Constitutional Court of Georgia (Batumi, Georgia, 29 June -1 July 2017).

He reminded the liaison officers that the working document will contain a compilation of relevant *précis* that had been identified by the liaison officers in CODICES and/or newly contributed *précis*. This document will then be sent as a PDF document to the liaison officers and the presidents of courts.

After the XVII<sup>th</sup> Congress of the CECC, in December 2017, this working document will become a Special Bulletin.

## 12. CODICES database

### 12.a Upgrading of the CODICES database

Mr Dürr informed the participants about the progress made in upgrading CODICES, which was a complicated and expensive exercise, due to the fact that links needed to be provided from the *précis* to the articles of the various constitutions.

He informed the participants that this upgrade was being financed by the EU, but that it was not enough to recreate a new database. The Secretariat was therefore looking for more funds to finance this project.

The JCCJ decided that it should adopt a resolution on the importance of the Bulletin and the CODICES database and expressed its support for the work that goes into keeping the database updated. The liaison officers therefore agreed to take part in short video interviews to express their support, which will be used to attract funding from the EU to establish a new and more sustainable database.

## **12.b Updating and indexing of constitutions, laws and descriptions in CODICES**

Mr Dürr invited the participants to let the Secretariat know about any changes to their constitutions, laws on and descriptions of courts.

He explained that it was important that liaison officers not merely send the amended constitution, but also provide information regarding which articles had been amended.

## **13. Documentation Centre on Constitutional Justice / Library**

The Secretariat thanked the participating courts for their contributions to the Documentation Centre. The list of documents is available at:

<http://www.venice.coe.int/WebForms/cocentre/default.aspx>

Mr Dürr also reminded the participants that the book exchange programme between courts within the WCCJ was set up to enable courts that have a surplus of publications to share them with other interested courts. This information is available on the Venice Forum – in an Excel table format:

<https://cs.coe.int/team21/veniceforum/WCCJbookexchangechangedelivres/Forms/AllItems.aspx>

## **14. Other business**

There was no other business.

## **15. Date and place of the next meeting**

Mr Dürr thanked the Federal Constitutional Court of Germany for its warm hospitality and for having hosted the 16<sup>th</sup> meeting of the JCCJ on its premises in Karlsruhe.

*Note:* The Secretariat is pleased to announce that since the 16<sup>th</sup> meeting of the JCCJ in Karlsruhe, the Federal Court of Switzerland has come forward and will be hosting the 17<sup>th</sup> meeting of the JCCJ in 2018 in Lausanne.

The Secretariat is also pleased to announce that the 18<sup>th</sup> meeting of the JCCJ will be hosted by the Constitutional Court of Italy in Rome in 2019 and that the 19<sup>th</sup> meeting of the JCCJ will be hosted by the Constitutional Court of Croatia in Zagreb in 2020.

### **C. Mini conference on “Courageous courts: security, xenophobia and fundamental rights”**

The Co-Presidents of the JCCJ, Ms Jasna Omejec and Ms Marjolein van Roosmalen chaired the mini-conference. Ms Tanja Gerwien gave an opening presentation. The following papers were presented:

1. Ms Susanne Baer, Judge at the Federal Constitutional Court of Germany, on “*Challenges to Constitutionalism: The Role of Constitutional Courts*”;
2. Ms Aida Grgic, Lawyer in the Registry of the European Court of Human Rights, on “*The European Court of Human Rights’ jurisprudence on issues relating to terrorism*”;
3. Mr Eloy Espinosa-Saldaña Barrera, Judge at the Constitutional Tribunal of Peru, on “*Limits of Constitutional Interpretation on the issues of security and xenophobia. The Peruvian Case*”;
4. Ms Rodica Secrieru, Secretary General of the Constitutional Court of the Republic of Moldova, on “*Constitutional Courts as Democratic Consolidators: Insights from the Republic of Moldova after 25 years*”;

5. Ms Theodora Ziamou, Associate Judge, Council of State of Greece, on *“Safeguarding the constitutional position of foreigners does not pose a threat to Greek society: Lessons from the jurisprudence of the Council of State”*;
6. Mr Mùcahit Aydın, Rapporteur-Judge at the Constitutional Court of Turkey, on *“The state of emergency and the principle of non-refoulement – the example of Turkey”*;
7. Ms Ingrida Danėlienė, Secretary General of the Constitutional Court of Lithuania, on *“Responding to threats to the rule of law and fundamental rights: the evolving powers of the Constitutional Court”*;
8. Ms Sarahrose Murphy, Executive Legal Officer to the Chief Justice of the Supreme Court of Ireland, on *“Without fear or favour: Security, Rights and the Rule of Law in Ireland”*;
9. Ms Celestina Iannone, Head of Unit, Research and Documentation Department, Luxembourg of the Court of Justice of the European Union, on *“A few examples drawn from the recent case law of the Court of Justice of the European Union facing the challenges brought about by the migration crisis and the fight against terrorism.”*

The presentations and the discussions at this mini-conference were very lively, with nine presentations and discussions ranging from the “instrumentalisation” of democratic institutions, also referred to as “decorative constitutionalism,” and ways this could be countered by the Courts to the relationship between parliaments and constitutional courts and between constitutional courts and international courts.

All the presentations made during this mini-conference will be published as CDL-JU documents and in the proceedings of this event.

**LIST OF PARTICIPANTS****ALBANIA / ALBANIE**

Mr Kutjim OSMANI, Secretary General, Constitutional Court, Tirana  
Ms Noela RUCO, Head of Department for Research, Studies and Publications,  
Constitutional Court, Tirana

**BELGIUM / BELGIQUE**

M. Rik RYCKEBOER, Référendaire, Cour Constitutionnelle, Bruxelles  
Mme Anne RASSON, Référendaire, Cour Constitutionnelle, Bruxelles

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE**

Ms Natasa VUKOVIC, Secretary General, Constitutional Court, Sarajevo  
Ms Ermina DUMANJIĆ, Head of Constitutional Case-Law Section, Constitutional Court,  
Sarajevo

**COSTA RICA**

Mr Olman RODRÍGUEZ, Senior Law Clerk, Constitutional Chamber, Supreme Court, San  
José

**CROATIA / CROATIE**

Ms Jasna OMEJEC, Former President of the Constitutional Court of Croatia, **Co-president  
of the Joint Council on Constitutional Justice**, Member of the Venice Commission,  
Zagreb  
Ms Mirjana STRESEC, Senior Legal Adviser, Constitutional Court, Zagreb

**CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Mr Lubomir MAJERČIK, Head of Analytics Department, Constitutional Court, Brno  
Mr Robert JAKUBÍČEK, Deputy Head of Analytics Department, Constitutional Court, Brno

**ESTONIA / ESTONIE**

Ms Katri JAANIMÄGI, Adviser, Constitutional Review Chamber, Supreme Court, Tartu  
Ms Karin LEICHTER, Judicial Training Adviser, Constitutional Review Chamber, Supreme  
Court, Tartu

**FINLAND / FINLANDE**

Mr Tommi VUORIALHO, Chief Secretary, Supreme Court, Helsinki

**FRANCE**

Mme Caroline PÉTILLON, Chef de Service, Conseil Constitutionnel, Secrétaire Générale de  
l'Association des Cours Constitutionnelles ayant en Partage l'Usage du Français (ACCPUF),  
Paris

**GEORGIA / GÉORGIE**

Ms Irina KHAKHUTAISHVILI, Head of the Secretariat of the President, Constitutional Court,  
Batumi

**GREECE / GRÈCE**

Ms Theodora ZIAMOU, Judge, Council of State, Supreme Administrative Court, Athens

**GERMANY / ALLEMAGNE**

Mr Andreas VOSSKUHL, President, Federal Constitutional Court, Karlsruhe  
Ms Susanne BAER, Judge, Federal Constitutional Court, Karlsruhe  
Ms Margret BÖCKEL, Chief of Protocol, Federal Constitutional Court, Karlsruhe  
Ms Daniela MÜLLER, Federal Constitutional Court, Karlsruhe



**HUNGARY / HONGRIE**

Ms Krisztina KOVÁCS, Counsellor, Constitutional Court, Budapest

Mr Laszlo DETRE, Counsellor, Constitutional Court, Budapest

**IRELAND / IRLANDE**

Ms Sarahrose MURPHY, Executive Legal Officer to the Chief Justice, Supreme Court,

Dublin

**ITALY / ITALIE**

Mr Gianni BUQUICCHIO, President, Venice Commission, Council of Europe

**KAZAKHSTAN**

Mr Bakyt NURMUKHANOV, Head of the Legal Expertise Department, Constitutional

Council, Astana

**KOREA / CORÉE**

Mr Sungjin KIM, Head of Comparative Constitutional Law Division, Constitutional Court,

Seoul

**KOSOVO**

Mr Veton DULA, Director of the Communication and Information Office, Constitutional Court,

Pristina

**KYRGYZSTAN / KIRGHIZISTAN**

Mr Kanybek MASALBEKOV, Head of International Department, Constitutional Chamber,

Bishkek

**LATVIA / LETTONIE**

Ms Laila JURCĒNA, Adviser to the President, Constitutional Court, Riga

**LITHUANIA / LITUANIE**

Ms Ingrida DANĖLIENĖ, Secretary General, Constitutional Court, Vilnius

Ms Rūta SVIRNELIENĖ, Head of the Division of Administration and Protocol, Constitutional Court, Vilnius

**LUXEMBOURG**

M. Georges SANTER, Ancien Président, Cour constitutionnelle, Luxembourg

Mme Lily WAMPACH, Greffier, Cour constitutionnelle, Luxembourg

**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-RÉPUBLIQUE  
YUGOSLAVE DE MACÉDOINE”**

Ms Tanja KARAKAMISHEVA-JOVANOVSKA, Professor, Law Faculty, University St. Cyril  
and Methodius, Member of the Venice Commission, Skopje

Ms Tatjana JANJIC-TODOROVA, State Adviser for International Co-operation,  
Constitutional Court, Skopje

**MOLDOVA / MOLDAVIE**

Mme Rodica SECRIERU, Secrétaire générale, Cour constitutionnelle, Chisinau

Mme Lilia RUSU, Chef de la Direction juridique-greffe, Cour constitutionnelle, Chisinau

**MONTENEGRO / MONTÉNÉGRO**

Ms Nerma DOBARDŽIĆ, Adviser, Constitutional Court, Podgorica

Mr Zorka KARADZIC, Adviser, Constitutional Court, Podgorica

**MOROCCO / MAROC**

Mr Mohcine EL HBABI, Personal Assistant to the President, Constitutional Court, Rabat

**NETHERLANDS / PAYS-BAS**

Ms Marjolein VAN ROOSMALEN h.j.th., Lawyer, **Co-president of the Joint Council on Constitutional Justice**, Council of State, The Hague

Ms Mariam CHEBTI, Legal Assistant, Supreme Court, The Hague

**NORWAY / NORVÈGE**

Ms Chirsti Erichsen HURLEN, Deputy Head of the Legal Secretariat, Supreme Court, Oslo

**PERU / PÉROU**

Mr Eloy ESPINOSA-SALDAÑA BARRERA, Judge, Constitutional Court, Lima

Ms Susana TÁVARA ESPINOZA, Chief of Staff, Constitutional Court, Lima

Ms Rosa Maria MONTERO MUSSO, Interpreter, Constitutional Court, Lima

**POLAND / POLOGNE**

Mr Kamil STRZEPEK, Department of Jurisprudence and Studies, Constitutional Tribunal, Warsaw

**PORTUGAL**

Ms Manuela BAPTISTA LOPES, Secretary General, Constitutional Court, Lisbon

**ROMANIA / ROUMANIE**

Ms Ramona Daniela MARIȚIU, Assistant-Magistrate, Constitutional Court, Bucharest

**SERBIA / SERBIE**

Ms Verica JAKOVLJEVIĆ, Senior Legal Adviser, Constitutional Court, Belgrade

**SLOVAKIA /SLOVAQUIE**

Mr Igor MIHALIK, Analyste, Constitutional Court, Košice

Mr Tomáš PLŠKO, Traducteur/Analyste, Constitutional Court, Košice

**SLOVENIA / SLOVÉNIE**

Ms Vesna BOŽIČ STAJNPIHLER, Advisor, Constitutional Court, Ljubljana

Ms Tina PREŠEREN, Head of Analysis and International Co-operation Department, Constitutional Court, Ljubljana

**SPAIN / ESPAGNE**

Mr Luis POMED, Chief Counsel, Constitutional Court, Madrid

**SWITZERLAND / SUISSE**

M. Paul TSCHÜMPERLIN, Secrétaire Général, Tribunal Fédéral, Lausanne

M. Michel RIEDO, Chef de l'information juridique et de documentation, Tribunal Fédéral, Lausanne

**TURKEY / TURQUIE**

Mr Mucahit AYDIN, Rapporteur, Constitutional Court, Ankara

**EUROPEAN COURT OF HUMAN RIGHTS / COUR EUROPÉENNE DES DROITS DE L'HOMME**

Ms Aida GRGIĆ, Lawyer, Registry, Strasbourg, France

Ms Onur ANDREOTTI, Registry, Strasbourg, France

**COURT OF JUSTICE OF THE EUROPEAN UNION / COUR DE JUSTICE DE L'UNION  
EUROPÉENNE**

Ms Celestina IANNONE, Head of Unit, Research and Documentation Department,  
Luxembourg

Ms Pilar NÚÑEZ-RUIZ, Lawyer-Administrator, Luxembourg

**SPECIAL GUESTS/INVITÉS D'HONNEUR**

**CONFERENCE OF CONSTITUTIONAL JURISDICTIONS OF AFRICA/ CONFERENCE  
DES JURIDICTIONS CONSTITUTIONNELLES AFRICAINES**

M. Maman Sani ABOUDOU SALAMI, Secrétaire Général de la CJCA, Juge, Cour  
constitutionnelle, Lome, Togo

M. Moussa LARABA, Secrétaire Général adjoint de la CJCA, Alger

**INDONESIA / INDONESIE**

Ms Dewi Nurul SAVITRI, Registrar, Constitutional Court, Jakarta Pusat

**SECRETARIAT / SECRÉTARIAT**

**VENICE COMMISSION / COMMISSION DE VENISE**

Mr Schnutz Rudolf DÜRR

Ms Tanja GERWIEN

Ms Jayne APARICIO

**INTERPRETERS / INTERPRÈTES**

Ms Corinne MCGEORGE-MAGALLON

Mr Derek WORSDALE

**APPENDIX 1**

Mr Bilgin Başaran  
Secretary General of the High Council for  
Judges and Prosecutors of Turkey

Ref ► J.Dem. 299 – SD/ja

Strasbourg, 1 June 2017

At its 16<sup>th</sup> meeting in Karlsruhe, Germany, on 18 May 2017, the Joint Council on Constitutional Justice of the Venice Commission of the Council of Europe was informed that its former member, Justice Bekir Sözen, of the State Council of Turkey, Liaison Officer with the Venice Commission for the Constitutional Court of the Republic of Turkey from 2001 until 2008, had been detained following the condemnable attempted *coup d'état* in Turkey.

The Joint Council solemnly expresses its hope and expectation that its former member, who was detained on 16 July 2016, will be given a fair process in full respect for his rights of defence.

The Co-Presidents of the Joint Council on Constitutional Justice, *per procurationem*,

Dr. M. van Roosmalen

Prof. Dr. J. Omejec





*Permanent Representation  
of Turkey  
to the Council of Europe*

2017/33766324/12535144

Strasbourg, 20 June 2017

Dear Director,

In response to your letter dated 1 June 2017, I am transmitting at annex a copy of the letter from the Secretary General of the Council of Judges and Prosecutors, addressed to the Co-Presidents of the Joint Council on Constitutional Justice.

Yours Sincerely,

Can Öztaş

Deputy to the Permanent Representative

**Mr Thomas Markert**  
**Director, Secretary of the Commission**  
**Venice Commission**  
**Council of Europe**  
**Strasbourg**



**14.06.2017, Ankara**

**Dear Co-Presidents,**

You should not have any doubts that the trial of Bekir Sözen mentioned in your letter will be performed by the independent and impartial Turkish judicial authorities fairly and by fully respecting for his rights of defence of the concerned as it was for all the judges and prosecutors.

A handwritten signature in black ink, appearing to read 'Bilgin Başaran', is written over a light blue horizontal line.

**The Secretary General of  
the Council of Judges and Prosecutors  
Bilgin BAŞARAN**

## Appendix 2

### *Only in Spanish*

#### **XI CONFERENCIA IBEROAMERICANA DE JUSTICIA CONSTITUCIONAL DECLARACIÓN FINAL**

Las delegaciones de los Tribunales, Cortes y Salas Constitucionales participantes en la XI reunión de la Conferencia Iberoamericana de Justicia Constitucional, celebrada en la ciudad de Lima durante los días 28 a 30 de junio y 1 de julio de 2016:

1. Manifiestan su agradecimiento al Tribunal Constitucional del Perú por la excelente organización, desarrollo y resultados de esta XI reunión de la Conferencia.
2. Constatan el acierto en la elección del tema “Estado constitucional y desarrollo económico”, que ha permitido un fructífero intercambio de experiencias entre las delegaciones presentes.
3. Constatan que, desde la diversidad de modelos económicos existentes en los estados iberoamericanos y el respeto a la esfera de competencia de cada legislador para determinar el alcance de las prestaciones económicas y sociales, en función de las disponibilidades económicas y de las necesidades de los diversos grupos sociales, nuestras instituciones ejercen con gran compromiso la función de garantizar la primacía normativa de sus respectivas Constituciones y los derechos económicos y sociales de todos los ciudadanos.
4. Son conscientes de que el Estado constitucional está abierto a diferentes opciones jurídico-constitucionales en las que resulten compatibles la iniciativa privada con la acción de los poderes públicos.
5. Reiteran su compromiso con el objetivo consagrado en los Estatutos de la Conferencia, de preservar y potenciar la independencia y la imparcialidad de los Tribunales, Cortes y Salas Constitucionales de los países iberoamericanos, que han de hacerse efectivas frente a los poderes públicos y privados, a fin de garantizar el Estado Constitucional y los derechos económicos y sociales de los ciudadanos.
6. Declaran que corresponde a la justicia constitucional tutelar los derechos económicos, sociales y culturales de las presentes y futuras generaciones, que se sustentan en la armonización del crecimiento económico con el desarrollo humano y el uso racional de los recursos naturales y la protección del medio ambiente, haciendo posible el desarrollo sostenible de nuestras sociedades.

7. Reconocen que la desigualdad en el acceso y disfrute de los derechos fundamentales es un obstáculo para el asentamiento del estado constitucional democrático y para el progreso social y económico. En particular, para alcanzar la necesaria igualdad de derechos de las mujeres se requieren decididas políticas públicas que promuevan la equidad de género y remuevan los obstáculos que dificultan la igualdad en la presencia de las mujeres en todos los ámbitos de la participación social e institucional. Por ello mismo, se felicitan de la inclusión de su tratamiento en las tareas de la Conferencia.

8. Expresan el propósito de seguir intensificando su colaboración, por lo que valoran positivamente la celebración de convenios bilaterales de cooperación entre los miembros de la Conferencia.

9. Se congratulan de la publicación de los trabajos y documentos correspondientes a la IX reunión de la Conferencia celebrada en Cádiz en el año 2012 y de los trabajos de la X reunión, celebrada en Santo Domingo en el año 2014. Al tiempo, reiteran su deseo de continuar la publicación de tales trabajos y documentos, por lo que animan a la Secretaría Permanente a editar los de la presente XI reunión.

10. Agradecen una vez más a la Agencia Española de Cooperación Internacional y Desarrollo (AECID) el apoyo que ha prestado a la celebración de los seminarios a los que han podido asistir Magistrados, Ministros, Jueces constitucionales, Letrados y Asesores, confiando en seguir contando con su ayuda en el desarrollo de futuros proyectos.

11. Agradecen la presencia como invitados de los representantes de la Corte Interamericana de Derechos Humanos, de la Conferencia Mundial de Justicia Constitucional y de la Comisión de Venecia, así como de la Unión de Cortes y Consejos Constitucionales Árabes.

12. Reiteran su interés en reforzar la colaboración con otros foros de justicia constitucional y, por ello, acuerdan participar en el IV congreso de la Conferencia Mundial de Justicia Constitucional que en el año 2017 se celebrará en Vilnius (Lituania) sobre el tema “El Estado de Derecho y la justicia constitucional en el mundo moderno”.

13. Hacen suya la cordial invitación del Secretario General de la Conferencia Mundial de Justicia Constitucional para que los miembros de la Conferencia Iberoamericana que aún no lo han hecho puedan incorporarse como miembros de la Conferencia Mundial, y para que a través de sus funcionarios de enlace aporten su jurisprudencia más destacada a la base de datos CODICES de la Comisión de Venecia.



14. Aprueban la propuesta de la Unión de Cortes y Consejos Constitucionales Árabes, planteada en el marco del acuerdo de cooperación firmado en Santo Domingo el 14 de marzo de 2014, de proceder a la traducción al árabe de las Constituciones de los estados miembros de la Conferencia y a la traducción al español de las Constituciones de los estados miembros de la Unión de Cortes y Consejos Constitucionales Árabes.

15. Quieren dejar constancia de su agradecimiento al Presidente del Tribunal Constitucional español, don Francisco Pérez de los Cobos Orihuel, por la labor realizada como Secretario Permanente de la Conferencia desde su nombramiento en la reunión de Cádiz del año 2012. Asimismo, saludan la elección del nuevo Secretario, don Pedro González-Trevijano Sánchez, a quien desean el mayor éxito en su nuevo cometido.

16. Agradecen y aceptan la propuesta de la Corte Suprema de Justicia de Panamá de organizar la XII reunión de la Conferencia Iberoamericana de Justicia Constitucional durante el año 2018, asumiendo la Secretaría Pro Tempore de la Conferencia.

Esta declaración ha sido objeto de pública lectura en la reunión plenaria celebrada en la ciudad de Lima, el día 1 de julio de 2016.

El original de la declaración ha sido firmado por los delegados del Tribunal Constitucional Plurinacional de Bolivia, Tribunal Constitucional de Colombia, Corte Constitucional del Ecuador, Sala de lo Constitucional de El Salvador, Tribunal Constitucional de España, Corte de Constitucionalidad de Guatemala, Sala de lo Constitucional de Honduras, Suprema Corte de Justicia de la Nación de México, Sala de lo Constitucional de Nicaragua, Corte Suprema de Justicia de Panamá, Corte Suprema de Justicia de Paraguay, Tribunal Constitucional del Perú, Tribunal Constitucional de Portugal, Tribunal Constitucional de la República Dominicana, Suprema Corte de Justicia de Uruguay y Tribunal Supremo de Justicia de Venezuela.