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4th Congress of the World Conference on Constitutional Justice

Vilnius, Lithuania, 11-14 September 2017

THE RULE OF LAW AND CONSTITUTIONAL JUSTICE IN THE MODERN WORLD

Vilnius Communiqué

The World Conference on Constitutional Justice held its 4th Congress in Vilnius from 11 to 14 September 2017, upon the kind invitation of the Constitutional Court of the Republic of Lithuania.

The World Conference now unites 111 Constitutional Courts and Councils and Supreme Courts as well as Constitutional Chambers (hereinafter all referred to as “Constitutional Courts”) emanating from all five continents. It promotes constitutional justice – understood as constitutional review including human rights case-law – as a key element for democracy, the protection of human rights and the rule of law (Article 1.1 of the Statute of the World Conference).

Delegations from 91 Constitutional Courts and equivalent bodies participated in the 4th Congress, which had a total of 422 participants.

The topic of the Congress, proposed by the host Court and approved by the Bureau of the World Conference, was *The Rule of Law and Constitutional Justice in the Modern World*. The Congress divided this theme into four sub-topics:

1. The different concepts of the rule of law;
2. New challenges to the rule of law;
3. The law and the state;
4. The law and the individual.

On the basis of the replies to a questionnaire, each sub-topic was introduced by a key-note speaker and then discussed by the participants. In the closing session, the key-note presentations and the discussions of each session were summarised by rapporteurs.

Despite the fact that the principle of the rule of law is interpreted in each state in a specific manner, it nonetheless constitutes the cornerstone of every legal system in the modern world, where it is integrally linked to democracy and the protection of human rights. The rule of law is a generally recognised principle, inseparable from the constitution itself. As a fundamental constitutional principle, it requires that the law be based on certain universal values, thus it is essentially inherent to every constitutional issue.

Within the framework of their constitutional competence, Constitutional Courts ensure the respect for and the implementation of national constitutions and exert a strong influence on shaping the content of the principle of the rule of law. The different aspects of this principle are revealed in the case law on constitutional justice. The impact of constitutional justice on the strengthening of the state under the rule of law and on ensuring the protection of individual rights is as essential as is the interest to explore it.

There is a wide range of constitutional systems and the influence of Constitutional Courts depends on the powers they exercise on the basis of their respective constitutions.

In addition to the main topic, and following the practice introduced by our previous congresses, the 4th Congress also included a stocktaking exercise on the independence of Constitutional Courts, members of the World Conference.

The discussions at the 4th Congress on this point showed that a number of courts had come under pressure from the executive and the legislative powers of their respective countries, but also from the media. This generally occurs when courts render decisions that displease other state powers or political actors. Several courts have been subjected to fierce and unfair criticism.

The participants call upon the member Courts of the World Conference to resist pressure and to render their decisions only on the basis of the constitutions of their respective countries and the principles enshrined in them. Solidarity provided by peer courts, expressed via regional fora and the World Conference, can be helpful for a court struggling under pressure. The World Conference, through its Bureau, is ready to offer its good offices to courts that come under pressure, should they so wish. The World Conference deplors any unconstitutional attempt to undermine the rule of law in any country.

The 2nd General Assembly of the World Conference amended the Statute of the World Conference and elected the Constitutional Council of Djibouti and the Constitutional Courts of the Dominican Republic, Indonesia and Italy as members of the Bureau until the next regular General Assembly, which will take place in 2020 (Article 4.b.1 of the Statute).

The 12th meeting of the Bureau of the World Conference (Vilnius, 11 September 2017) approved the financial report presented by the Venice Commission of the Council of Europe, which acts as the Secretariat of the World Conference.

The Bureau accepted the offer of Constitutional Council of Algeria to host the 5th Congress in 2020.

The member courts of the World Conference and all other delegations present today express their sincere gratitude to the Constitutional Court of the Republic of Lithuania for generously hosting the 4th Congress, which was organised in an outstanding manner, and to the Venice Commission for its excellent secretarial support.