

## XVII Congress of the CECC in Batumi

### **Respect for Independence of Constitutional Courts**

#### Resolution

According to Art. 6 (1a) of the Statute of the Conference of European Constitutional Courts (CECC), the full members thereof are to “conduct their judicial activities in accordance with the principle of judicial independence, being bound by the fundamental principles of democracy and the rule of law and the duty to respect human rights“.

Constitutional justice is a key element of a state committed to democracy and the rule of law – thus making a valuable contribution to a state’s stability.

When interpreting the constitution, a constitutional court cannot avoid defining the scope of the political margin of appreciation assigned by the Constitution to parliamentary legislation.

The legitimacy of constitutional justice and its effectiveness necessarily depend on its independence. Only if a constitutional court is, and appears to be, independent of all other state organs as well as of political parties and other interest groups, will it gain the confidence which courts in general, and a constitutional court in particular, in a democratic society must inspire in the public.

Agreeing with this essential notion of the ECtHR’s well-known case-law and, in accordance with the fundamental principles of the Statute of the CECC, we, the Presidents of European Constitutional Courts and other similar European institutions exercising constitutional jurisdiction, want to emphasize our commitment to the fundamental principle of independence of Constitutional Courts and to provide a forum for judicial dialogue protected from political concerns and influences. We also call upon all decision makers and leaders in politics, in the national governments and parliaments all over Europe to respect the Constitution, *inter alia*, by upholding and protecting the independence of our Courts and our justices, as it is the indispensable and fundamental condition for the proper functioning of any court.

Accordingly, being bound only by the constitution and the rule of law, the Constitutional Courts take upon themselves to maintain, defend and strengthen their independence, *inter alia*, by resisting political influence and any unlawful aims of the political authorities.