

Speech of the President of the Constitutional Court of the Republic of Kosovo, Mrs. Arta Rama-Hajrizi

I truly feel honored and privileged to open in your presence the 9th Judicial Year of the Constitutional Court of the Republic of Kosovo.

On behalf of the judges and all the officials of the Constitutional Court, I first thank for the participation in this ceremony the representatives of the state institutions of the Republic of Kosovo, the international representatives and diplomats accredited in the country, and in particular I welcome the President of the Venice Commission and one of the main speakers in this ceremony, Mr. Gianni Buquicchio. A special thanks and gratitude goes for the court delegations from the region and beyond, who support us today with their presence in this ceremony.

The presence of all of you in this anniversary of the Court, besides honoring our institution, at the same time symbolizes the excellent cooperation, which in addition to enabling mutual exchange of experiences, also contributes to the improvement of the quality of our work and decision-making, which affects the accomplishment of the common mission we have in supporting the rule of law and promoting the rule of law.

Honorable guests,

This year was the year of the most serious challenges with which the Constitutional Court has faced in a functional aspect since its establishment. For the first time, the Court underwent the process of simultaneous replacement of five constitutional judges, and for the first time, the Court has no longer in its composition the international judges.

The contribution of judges, who left recently, who were also a part of the first generation of the constitutional judges in the Republic of Kosovo was of an essential significance and highly valuable for establishing the foundations of the constitutional judiciary in the country and for the institutional development of the Constitutional Court.

As we are marking today the end of the 9th Judicial Year, I take the opportunity that from this podium, on my behalf, on behalf of the judges and all the Constitutional Court officials, thank from my heart the judges for the job done, whereas the case law of the Court today would be significantly poorer without the contribution and without their professional decision-making. Now, all of us, in the new composition, await even more challenging work in preserving and advancing the established standards and developing the contemporary jurisprudence of the Court.

Ladies and Gentlemen,

This year we marked two important anniversaries: the 10th Anniversary of Independence, which is taking more and more a deserved place in the family of the European countries, and the 10th anniversary of the Constitution of the Republic of Kosovo, as the founding act of our country's statehood, which in itself incorporates the most universal principles of human rights.

The jubilee anniversaries, first of all, serve as moments of reflection and appreciation for the accomplished achievements, as well as for the stagnation experienced during the journey towards the best and the success. And, looking back, the road we have passed and the difficulties we have overcome, make us feel proud of the progress made.

Naturally, as in every other state and developing society, the fight against crime and corruption, the protection and advancement of human rights, membership in the international organizations were and will continue to be the constant challenges that all of us will face in the future.

Facing these challenges becomes easier only through meaningful legal reforms and respecting and implementing our Constitution, which provisions guarantee the uncompromising rule of law, equality of all citizens without distinction and democratic development of the country.

In this regard, the role of the Constitutional Court, which through its decisions will continue to serve diligently as the ultimate authority for guaranteeing and respecting the constitutional order in the country.

Honorable participants,

By their decisions, the constitutional courts have a crucial impact on the quality of life of each country, shaping the contours of the democratic governance and the values that characterize it.

In this regard, the Constitutional Court of Kosovo continues to faithfully exercise its role and duty deriving from the Constitution, while the trust of citizens in the Court's decision-making has increased considerably over time.

This is evidenced, first and foremost, by the growing number of referrals submitted by all citizens in the country, including members of non-majority communities, as well as the growing number of rendered decisions.

For many of these decisions, the judges and advisors of the Court consulted and took into account the examples of the case law of the constitutional courts of other European countries, through the requests submitted to the Venice Commission Forum and the rigorous application of the case law of the European Court of Human Rights in each decision of the Court.

Such comparative analysis, experiences and decisions of the constitutional courts with European constitutional justice standards, have already become an inseparable part of our decision-making.

However, as is the case with decisions of the constitutional courts in the countries with developed democracy, not all decisions of the Court are welcomed in the public, raising various reactions in the media.

The freedom of expression of dissatisfaction with the court decisions and the work of state institutions, as well as independent institutional decision-making, lie at the foundations of any modern society and are evidence of a social emancipation of the country.

Ladies and Gentlemen,

In order to maintain the level of institutional trust and the quality of work in decision-making, there are three objectives in which the Constitutional Court has focused its attention during this judicial year:

- Integration of new judges;
- Capacity building for future challenges;
- Transparency at work.

The integration of new constitutional judges, who come with a career and with various professional experiences, poses a challenge to each constitutional court.

While injecting energies and new ideas is more than welcome and necessary for any institution, their fastest accommodation and knowledge of the Court's case law remain a serious challenge. Thanks to the experience of older judges and well-established practices, the accomplishment of this objective in the Constitutional Court of Kosovo has become easier to accomplish for the five newly appointed judges, whom I once again wish to congratulate in their new task and I wish them success in fulfilling new responsibilities.

We have already started implementing the Third Strategic Plan of the Court (for the three-year period 2018-2020), drafted with a support of the German Agency for International Cooperation (GIZ), where new ideas are presented in accordance with the requirements of time and by reflecting on the challenges faced during the implementation of the two previous strategic plans. For each strategic and objective goal, concrete measures and actions have been envisaged for their realization, as well as rigorous criteria for evaluating the results.

Meanwhile, trainings in the field of constitutional justice, participation in international seminars and other professional activities, and the use of advanced technology for more effective case management and processing, are just some of the planned activities in support of the capacity building of the Court, with an aim of reducing deadlines for case review.

In order to increase the level of transparency and better communication with the public, thanks to the help of one of the donors and the main supporters of our work, the US Agency for International Development (USAID), , we launched this year new official website of the Court, which, besides the most advanced search of cases, offers the opportunity to subscribe directly to the bulletins of the case law, newsletters, as well as the latest published decisions.

I would like to emphasize that without the support of international donors, the achievements and successes in the work of the Constitutional Court, and consequently, the effective rule of law and order in the country, would be significantly smaller.

Honorable guests,

In recent years the whole world is experiencing difficult and challenging times regarding the values and fundamental principles of democracy.

We are all witnessing cases, recently also in some European countries with a long-long tradition of state-building, where democratically elected governments have begun to try more and more the decision-making and administrative independence of the constitutionally independent institutions, especially the judiciary.

Even though the Republic of Kosovo, fortunately, has not become part of this negative trend, we must take into account the fact that no country can be immune in this respect.

Now, more than ever, the judicial power should serve as a guardian of respect of legality in the country and more than ever need close co-operation with three powers for genuine democracy.

This is achieved only if each of the performers of the competencies in the separated powers fulfills their constitutional duties and obligations, and firstly, with judges and sovereign courts in their work. Constitutional provisions defining the state and foreseeing the separation of power, in a clear way define the rights and obligations of each carrier and only their strict adherence can fulfill the mission of the Constitution and its European values.

In this context, the Constitutional Court of Kosovo has successfully passed the sustainability and institutional independence tests, independently performing its responsibilities and in the most challenging times for the state organization in the country.

This independence, the Constitutional Court has achieved above all thanks to the devoted and professional work of judges, who in their mission of preserving the constitutional order always had and will always have as a torch the Constitution of the Republic of Kosovo and the case law of the European Court of Human Rights.

However, the constitutional court can only survive the time as independent and successful only with the independent and successful functioning of the regular courts, and only this symbiosis guarantees the sustainability and development of constitutional democracy in the country.