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The Constitutional Court of the Republic of Azerbaijan  
Azərbaycan Respublikasının Konstitusiya Məhkəməsi

Anglais / English / Englisch / английский

# **THE CONSTITUTIONAL COURT OF THE REPUBLIC OF AZERBAIJAN**

## **National report to the XVI Congress of the Conference of European Constitutional Courts**

### **I. Constitutional courts between constitutional law and European law**

#### **1. Is the constitutional court obliged by law to consider European law in the performance of its tasks?**

According to Article 148 of the Constitution the international treaties to which the Republic of Azerbaijan is a party are an integral part of the legislative system of the Republic of Azerbaijan. According to Article 151 of the Constitution if a conflict arises between normative legal acts of the legislative system of the Republic of Azerbaijan (with the exception of the Constitution of the Republic of Azerbaijan and acts adopted by referendum) and inter-state treaties to which the Republic of Azerbaijan is a party, the international treaties shall apply.

Rights and freedoms of man and citizen listed in the Constitution of the Republic of Azerbaijan are applied in accordance with international treaties to which the Republic of Azerbaijan is a party to. Observance and protection of the rights and freedoms of man and citizen fixed in the Constitution is the duty of bodies of legislative, executive and judicial authorities (Articles 12 and 71 of the Constitution of the Republic of Azerbaijan).

At the same time, according to provisions of Article 2 of the Law of the Republic of Azerbaijan “On Constitutional Court” international agreements which the Republic of Azerbaijan is a party to is one of the legal basis for the activity of Constitutional Court.

#### **2. Are there any examples of references to international sources of law, such as** **a) the European Convention on Human Rights,** **b) the Charter of Fundamental Rights of the European Union,** **c) other instruments of international law at European level,** **d) other instruments of international law at international level?**

a) The Constitutional Court of Azerbaijan at adopting of decisions always gives a special consideration to requirements of European Convention, case-law of the Strasbourg Court and possibility of their application in practice. First reference to European Convention was made by Court in its decision of 14 April, 2000 on verification of conformity of some provisions of the Housing Code to Constitution of

the Republic of Azerbaijan, that is the year before the ratification of the Convention by Azerbaijan.

Considering the case-law of the Strasbourg Court as effective instrument for the settlement of legal collision at national level, the Constitutional Court of Azerbaijan simultaneously with the application of provisions of Convention began to refer also to case-law formed by the European Court of Human Rights.

For example, in the decision of 10 February, 2012 “On interpretation of Articles 512.2 and 519.0.4 of the Criminal-Procedure Code of the Republic of Azerbaijan” Plenum of Constitutional Court noted that “in the legislation it has to be clearly and definitely specified, by what court the delay of serving of punishment and issues following from it has to be considered...According to Article 62 of the Constitution everyone has the right to have his case considered by a court established by law.” Further in the decision it is spoken “These standards of the Constitution are based as on international treaties and Article 6 of the European Convention on Human Rights and Fundamental Freedoms”. According to a legal position of the European Court of Human Rights in connection with this norm, "the court established by law" reflects the principle of the rule of law peculiar to system of protection, established by the Convention and Protocols to it. On sense of Article 6.1 of the Convention “law” means creation of judicial authorities and the legislation concerning their powers. Respectively if the court is not authorized to consider case of accused according to applied provisions on the basis of the domestic legislation, then according to Article 6.1 of the Convention such court can't be considered as “established by law” (Case of Coëme and others v. Belgium, 32492/96, 22 June, 2000, §§ 99 и 107-108).

Recently the Constitutional Court more often refers to provisions of Convention. So, there are refers to 21 decisions of the European Court of Human Rights in 10 decisions of the Constitutional Court in 2013.

b) The Constitutional Court of the Republic of Azerbaijan did not refer to the Charter of Fundamental Rights of the European Union.

c) In its decision of 21 June, 2010 “On verification of conformity of Article 247.3 of the Labour Code of the Republic of Azerbaijan with Constitution of the Republic of Azerbaijan” the Constitutional Court of Azerbaijan specially mentioned that “proceeding from Article 7.6 of the European Social Charter being a component part of legal system of the Republic of Azerbaijan, also follows that Azerbaijan assumed the obligation on establishment as part of the working day of time spent by young workers with the consent of the employer for vocational training during the working day... On the basis of these provisions if the employer agreed for a leaving of the young worker in working hours for vocational training, then the time spent for this has to be considered as working time”.

The reference to European Social Charter takes place in a numerous decisions of the Constitutional Court.

At the same time, there are references to others regional agreements such as European Convention on Child Adoption of 1967, European Convention on Extradition of 1957, European Convention on Mutual Assistance in Criminal Matters of 1959, European Charter on Status of Judges of 1998, Chisinau Convention “On Legal Assistance and Legal Relations on Civil, Criminal and other matters” of 2002, Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 1993 and etc in the decisions of the Constitutional Court.

#### **d) other instruments of international law at international level**

In one of the very first decisions on conformity of Article 32 of the Criminal Code of the Republic of Azerbaijan to Article 29.4 of Constitution of the Republic of Azerbaijan the Constitutional Court refers to Universal Declaration of Human Rights. Later the Universal Declaration was repeatedly quoted in the decisions of the Court.

Also, since 1999 the Constitutional Court during the activity repeatedly refers to provisions of International Covenant on Economic Social and Cultural Rights (for example the decision of the Constitutional Court of the Republic of Azerbaijan of 12 March, 1999 “Concerning Article 60 of the Housing Code of the Republic of Azerbaijan”).

Along with these universal documents, there are references to other sources of international law in the reasoning part of the decisions of Constitutional Court. For instance, in the decision of 22 February, 2012 “On interpretation of Article 66.5 of the Criminal Code of the Republic of Azerbaijan” the Plenum of Constitutional Court refers to International Covenant on Civil and Political Rights and etc.

### **3. Are there any specific provisions of constitutional law imposing a legal obligation on the constitutional court to consider decisions by European courts of justice?**

As it was mentioned above, in accordance with provisions of Article 12 of the Constitution “Rights and freedoms of man and citizen listed in the Constitution of the Republic of Azerbaijan are applied in accordance with international treaties to which the Republic of Azerbaijan is a party to”.

Thus, the Republic of Azerbaijan as the party which has accepted obligations within the Convention has to apply it just as it does the only international body which has been specially created for application and interpretation of the Convention – the European Court. Thereby requirements of Article 31.3 of the Vienna Convention on the Law of International Treaties according to which at interpretation of the

international treaty along with its context the subsequent practice of application of the treaty has to be considered.

On 11 June, 2004 the legislator made corresponding amendments and additions to Civil- Procedure and Criminal-Procedure Codes on the basis of which the order of re-examination of the case in an order of civil and criminal legal proceedings was established (the Law of the Republic of Azerbaijan “On introduction of some amendments and additions to legislative acts” N688-II-QD) and thus defining possibility of new consideration of the case on the basis of the decision of the European Court.

At the same time, it should be noted that by the Decree of the President of the Republic of Azerbaijan of 28 December, 2006 concerning a duty of improvement of activity of government bodies from the point of view of ensuring of human rights and freedoms, stimulation of scientifically-analytical works, expansion of legal education, development of interrelation between the state and civil society, was recommended to the Constitutional Court of the Republic of Azerbaijan to apply the jurisprudence of provisions of the international documents regulating protection of human rights.

#### **4. Is the jurisprudence of the constitutional court influenced in practice by the jurisprudence of European courts of justice?**

The European Convention being the instrument of protection of human fundamental rights suppose a duty of the participating states to create the mechanism by means of which the corresponding person can get an effective national measure of the protection of rights guaranteed by the Convention. Besides, this requirement in a greater degree means the granting of effective and available internal remedies. In this light, the Constitutional Court of the Republic of Azerbaijan plays a special role among other national authorities in the course of implementation of decisions of the European Court, that as has necessary legal means and opportunities due to which promotes the prevention of violations of conventional obligations.

The Constitutional Court increasingly refers to decisions of the European Court, thus doesn't matter whether they were adopted on cases in which the respondent was Azerbaijan or not.

Nature of the actual application of decisions of the European Court inter alia depends on what powers are carried out by Constitutional Court. At an assessment of constitutionality of challenged normative legal acts, take place the cases when legal positions of the European Court make considerable impact on settlement of constitutional and legal dispute, acting actually as criteria of determination of constitutionality of the legal act and the content of a final legal position of Court. It first of all, is caused by Articles 148 and 151 of the Constitution proclaiming a priority of the Convention over the usual legislation.

The second and most frequent case of address of the Constitutional Court to legal positions of the European Court is the interpretation of norms of legislation and consideration of individual complaints. In these cases of the case-law of the European Court matters the additional argument of legal positions of the Constitutional Court, without being thus a direct basis of a conclusion but promoting its achievement.

Thus, a form of participation of the Constitutional Court in implementation of decisions of the European Court, it is possible to classify as follows:

- usage of decisions of the European Court by means of refer to them: a) for direct determination of constitutionality or illegality of national acts; b) for identification of constitutional-legal sense of the normative act at its interpretation; c) for an explanation of sense and meaning of the constitutional text in the course of interpretation of Constitution.

As a result, the Constitutional Court of the Republic of Azerbaijan has impact on implementation of the requirements following from the Convention in a national legislation:

- integrates the legal positions of the European Court into the national legal doctrine and thus directs the national authorities on their direct application;
- implements the principles following from decisions of the European Court to the national legislation;
- by making the corresponding recommendations to Parliament, defines guidelines of legislative regulation of the sphere of protection of the conventional rights.

**5. Does the constitutional court in its decisions regularly refer to the jurisprudence of the Court of Justice of the European Union and/or the European Court of Human Rights? Which are the most significant examples?**

Considering the case-law of the Strasbourg Court as the effective instrument for settlement of legal collisions at national level, the Constitutional Court of Azerbaijan simultaneously with application of provisions of the Convention also started referring to the case-law formed by the European Court of Human Rights. A number of decisions of Court can serve as example of that. So, after introduction by the new law of procedure of consideration of the individual complaint the Plenum of the Constitutional Court in the decision of 11 May, 2004 “On complaint lodged by E. Alizadeh and others concerning verification of conformity of judicial acts to laws and Constitution of the Republic of Azerbaijan” the Court indicated that rejection of registration of public association without the legal basis can raise a question of violation of the right to freedom of associations, and also creation and the accession to trade unions. The Constitutional Court referring to decision of the European Court of Human Rights in case “Sidiropulos v. Greece” indicated that the right to form an association is an inherent part of the declared right to form trade unions and citizens

should be able to form a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of the right to freedom of association.

In the decision on Article 440.4 of the Civil Code concerning a question of order of redemption of liabilities and Article 74.1 of the Law of the Republic of Azerbaijan “On Execution of the Court Decisions” concerning distribution of the sum of money collected from the debtor the Constitutional Court referred to decision of European Court of 19 March 1997 adopted on case “Hornsby vs. Greece” emphasized that the “right to a court” would be illusory if a Contracting State’s domestic legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party. Execution of any decision adopted by the court is an integral part of the “court proceedings” conception, anticipated by the same Article [6].

Also in the decision on complaint lodged by executive power of Narimanov district of Baku city concerning verification of conformity of court decision to Constitution and legislation of the Republic of Azerbaijan the Court indicated that the appellate court without waiting three months time limit for the cassation complaint has sent the case for the consideration in merits to court of first instance and thus violated the right of respondent to judicial protection and therefore deprived him from the right to address the court. Constitutional Court referring to cases of DE Cubber vs. Belgium and Eyren vs. Ireland indicated that the right to fair trial can't be interpreted in narrow sense and the right to legal recourse, being part of this right, is applied to all stages of trial.

In the reasoning part of decision on interpretation of Article 49 of the Constitution of the Republic of Azerbaijan the Constitutional Court indicated that the right to freedom of assembly can be subjected to the restrictions necessary in a democratic society as it is provided in Article 11 of the European Convention and the relevant provisions of the Constitution of Azerbaijan, thus at reasoning of the conclusion Court gave an example of the Strasbourg Court, namely the decision in the case of “Platform Arzte fur das Leben vs. Austria” in which reveals the Article 11 of the Convention and, respectively, restriction of the right of freedom of assembly.

In the decision of 31 May, 2012 on verification of conformity of Article 107.4 of the Criminal-Procedure Code of the Republic of Azerbaijan to Article 60.1 of the Constitution, Court especially emphasized that “European Convention means two groups of guarantees of fair trial:

- organic guarantees – these guarantees are directed on possibility (availability) of judicial proceedings. For this purpose a number of duties is assigned to public authorities: impartiality, conducting of open proceedings;
- functional guarantees – are directed on ensuring the principle of equality which has to be observed at all stages of process.

One of necessary conditions of the effective solution of tasks assigned for criminal legal proceedings are the objectivity and impartiality of the persons having power to adopt decisions execution of which it is obligatory in criminal procedure. One of important means of ensuring of objectivity and impartiality in criminal procedure of the persons participating in criminal legal proceedings is the existence in criminal procedure of institute of challenge. Reasonable challenge or rejection of judge promotes adoption of objective and impartial judicial acts and increase trust of participants of criminal procedure and other persons to justice and judicial acts.

European Court of Human Rights in the decision of 22 October, 2007 on case of Lindon, Otchakovsky-Laurens and July vs. Francereiterates that impartiality, within the meaning of Article 6 § 1 of the Convention, normally denotes absence of prejudice or bias. There are two tests for assessing whether a tribunal is impartial: the first consists in seeking to determine a particular judge's personal conviction or interest in a given case and the second in ascertaining whether the judge offered guarantees sufficient to exclude any legitimate doubt in this respect.

From this point of view the Plenum of the Constitutional Court considers necessary to note that impartiality of the judge serves in criminal procedure to full, objective and comprehensive examination of case, adoption of the fair decision, and also effective implementation of justice. The institute of challenge a judge reflected in the criminal procedure legislation is one of means providing impartiality of the judge.”

The reference to the specified case-law of the European Court proves that at present not only the European Convention, but also case-law of the European Court in a certain measure already became the main components of legal system of Azerbaijan.

## **6. Are there any examples of divergences in decisions taken by the constitutional court and the European courts of justice?**

For 15 years of the activity the Constitutional Court of the Republic of Azerbaijan builds the practice on a conformation with the legal positions of the European Court or, at least, on lack of obvious discrepancy with the provisions of the Convention.

Theoretically, in practice of co-operation the emergence of cases of disagreement of the constitutional courts with decisions and conclusions of the European Court, caused by the intersection of jurisdictions of these bodies is possible. Such conflict situations can actually arise either at open expression by body of the constitutional justice of disagreement with a position of the European Court, or in the absence of the appeal to the act of the European Court of Human Rights, in cases when such appeal had to be. Proceeding from provisions of the Constitution proclaimed by Articles 148 and 151 and as in view of that according to Article 12 of the Basic Law the rights and freedoms of man and citizen, listed in the Constitution, are applied according to international treaties, the Constitutional Court in the activity has to give

a priority to interpretation according to the Convention. At adopting of decision, the Constitutional Court undertakes all possible measures, for avoidance of contradictions with decisions on similar cases of the European Court of Human Rights. For this purpose the staff of the Constitutional Court carries out the analysis of case-law of the European Court: information references on a position of the Strasbourg Court concerning interpretation of concrete articles of the European Convention are submitting to judges. The only exception at which there can be a conflict of “interests” is the situation when differences of opinion of the European Court and constitutional courts are caused directly by provisions of the Constitution which possesses a primacy in relation to international treaty.

### **7. Do other national courts also consider the jurisprudence of European courts of justice as a result of the constitutional court taking it into consideration in its decisions?**

Activity of the Constitutional Court of the Republic of Azerbaijan testifies that, carrying out the function of the constitutional control, it provides unity and coherence of interaction of branches of uniform governmental authorities according to their constitutional powers and the system of “checks and balances” and to strengthening of the constitutional legality in legislative process, and above all the protection of the human rights and freedoms fixed by the Constitution.

The reference of the Constitutional Court to the international legal norms and decisions of the European Court of Human Rights in the field of protection of the human rights and freedoms, by tradition became a component of its activity. The created jurisprudence of the Constitutional Court by “incorporating” the conventional right creates ample opportunities for courts of general jurisdiction, to be guided in the activity by legal positions of the European Court.

Besides, the necessity of taking into consideration of case-law of the European Court is confirmed also by activity of the Supreme Court of the Republic of Azerbaijan. On 30 March, 2006 the Supreme Court of the Republic of Azerbaijan adopted the resolution on the basis of which with the view of restoration of the violated rights and freedoms of citizens to courts was recommended the studying and application of a case law of the European Court.

### **8. Are there any examples of decisions by European courts of justice influenced by the jurisprudence of national constitutional courts?**

The important form of interaction between the constitutional and European justice is the taking into consideration by the European Court of the case-law of bodies of the constitutional control that is caused by various factors, including connected with direct necessity to address to decisions of bodies of the constitutional control for settlement of concrete cases or with the purpose of the reasoning of the conclusions.

As a whole, the addressing of the European Court to case-law of appropriate authorities occurs as follows. The source of the national law having importance for the settlement of complaint lodged in the European Court. First, the European Court refers to decisions of the constitutional courts as, for example, decisions of the constitutional courts are quite often quoted as one of sources of the national law at a description of the relevant legislation.

In the case of *Leyli Rahmanova vs. Azerbaijan* (the decision of the European Court of Human Rights adopted on 10 July, 2008) the applicant challenged the retrial by Plenum of the Supreme Court of the decision which came into effect of the Supreme Court (Plenum revised the decision). Among internal sources of the law, in this decision of the European Court the separate point specifies “a position of the Constitutional Court”. It is a question of a position of the Constitutional Court stated in a case “concerning verification of conformity of the decision of the Presidium of the Supreme Court of the Republic of Azerbaijan of 1 February, 2002 to Constitution and legislation of the Republic of Azerbaijan” (of 21 May, 2004). In the decision of the Constitutional Court the issues connected with powers of Plenum of Supreme Court concerning modification of decision of the Supreme Court were considered. The applicant as the argument of the complaint also referred to a case-law of the Constitutional Court. The European Court specified that takes into consideration the decision of the Constitutional Court of Azerbaijan (point 53). Further the European Court specified that in the challenged decision of Plenum the revaluation of the actual facts of the case was carried out and this did not correspond to the decision of the Constitutional Court. As a result the European Court established the violation of Article 6.1 of the Convention (the right to fair trial) in connection with the actual revision by Plenum of the decision of Constitutional Court which have entered in lawful force and the 1point of the 1Protocol (right to property).

Secondly, the European Court considers the decisions of body of the constitutional jurisdiction when passing of a stage of national constitutional legal proceedings is one of the actual circumstances in the case of applicant and only this fact is noted by the European Court in its decision. For example, in the case of *Ramazanov and others vs. Azerbaijan* (decision of the European Court of Human Rights of 1 February, 2007)the extracts and the general information concerning the decision of the Constitutional Court of 11 May, 2004 are in separate subsection in the section “Facts of the case”.

Thirdly, the European Court analyzes decisions of the constitutional court when national constitutional legal proceedings are, finally, a subject of the complaint made to the European Court. However, there are no such examples concerning Azerbaijan.

## **II. Interactions between constitutional courts**

## **1. Does the constitutional court in its decisions refer to the jurisprudence of other European or non-European constitutional courts?**

Within the framework of day-to-day activity, at examination of various cases the Constitutional Court of the Republic of Azerbaijan considers case-law of other bodies of constitutional justice. In some cases, carrying out the constitutional interpretation of the national act, the Constitutional Court uses the case-law of foreign courts – "colleagues" for the additional argument of the conclusions for elucidation of the normative content of any institute, its basic parameters. In this situation without being a direct basis of a conclusion of the Court formulated in reasoning part of its decision, these acts promote its achievement, or are a reinforcement of the conclusions in the course of elucidation of examined provisions.

In the decision of 13 July, 2009 (in the complaint the applicant indicated that she considered the judicial acts accepted on her case as illegal and refusal in a legal investigation on newly revealed circumstances violating her right of access to a court) the Constitutional Court specified that "at examination of concrete civil cases, including statement consideration on again opened circumstances and their decisions, courts are connected by the civil remedial form and, thus, all their actions directed on departure of justice, should be expressed in judicial acts. The base of beginnings of civil-procedure legal relationship should make the judicial statements which have been taken out only according to procedure, a form and content, the established law can draw up a basis of occurrence, change or stay." Further, the Court considered that on the matter the position of other bodies of the constitutional procedure of Europe is interesting. The Court made reference to the Constitutional Tribunal of Poland, which in the decision of March 16, 1999 has specified that the judicial right covers: (1) right of access to a court providing promotion of the requirement before independent and unprejudiced court, (2) right of correct carrying out of litigation according to justice and publicity requirements, (3) right of the judicial decision providing the right of reception from court of the obligatory decision.

In the decision of the Plenum of Constitutional Court of the Republic of Azerbaijan of 12 March, 2012 on interpretation of Article 14 of the Tax Code of the Republic of Azerbaijan and Article 390 of the Civil Code of the Republic of Azerbaijan, the Court made reference to legal position of the Constitutional Court of Russian Federation and specified that "... limitations imposed by the legislation on the right to possess, use, and dispose of property and the freedom of entrepreneurial activities and freedom of contract shall be – as follows from the general principles of law – fair, adequate, proportional, balanced and necessary to protect constitutionally significant values, including private and public rights and other persons' legal interests; they shall be general and abstract, shall not be retrospective, shall not affect the essence of the constitutional right, i.e. shall not restrict the scope and application of the core contents of the respective constitutional norms" (point 2.5 and 6 of reasoning part of the decision of the Plenum of the Constitutional Court of Russian Federation).

In its decision of 10 April, 2012 on interpretation of Article 264 of Criminal Code of the Republic of Azerbaijan the Plenum of the Constitutional Court made reference to the decisions of two European Constitutional Courts: the decision of the Federal Constitutional Court of Germany of 29 May, 1963 and decision of the Constitutional Court of Belgium of 13 July, 2005.

**2. If so, does the constitutional court tend to refer primarily to jurisprudence from the same language area?**

The official language of the Republic of Azerbaijan is the Azerbaijani language. This language is not used by any of other states as official language.

During the studying and the analysis by the Staff of the Constitutional Court of the Republic of Azerbaijan of decisions of bodies of the constitutional justice, there is no matter in what language this decision was adopted.

**3. In which fields of law (civil law, criminal law, public law) does the constitutional court refer to the jurisprudence of other European or non-European constitutional courts?**

According to Article 130 of the Constitution of the Republic of Azerbaijan the Constitutional Court possesses rather large constitutional powers on implementation of the constitutional control. Competence of the Constitutional Court consists of several powers which include check of constitutionality of laws, other normative legal acts and the international and interstate treaties, interpretation of the Constitution and laws, settlement of disputes concerning competence and others. Besides, everyone has the right in accordance with the procedure established by law to apply to the Constitutional Court against regulations of bodies of legislative and executive power, acts of municipalities and the courts infringed his/her rights and freedoms. Such wide range of powers allows the Constitutional Court to exercise the constitutional control of all legislative system, in any branch of law. Thus, the decision of body of the constitutional justice is of interest to the Constitutional Court in any legal aspect, depending on nature of case which is on procedure. The analysis of case-law of Constitutional Court indicates that Plenum of the Constitutional Court in a reasoning part of the decisions made reference to case-law of foreign courts in the field of the public, criminal and tax law.

**4. Have decisions of the constitutional court noticeably influenced the jurisprudence of foreign constitutional courts?**

The review of decisions of foreign bodies of the constitutional justice allows to certify that in some cases the decisions of the Constitutional Court of the Republic of

Azerbaijan are directly or indirectly taken into account in decisions of some courts of the East European countries.

#### **5. Are there any forms of cooperation going beyond the mutual acknowledgement of court decisions?**

As from the date of its setting up the Constitutional Court has been paying a big attention to enlargement and strengthening of international relations between the bodies of the constitutional control of foreign states and international organizations. By the invitation of the Constitutional Court of the Republic of Azerbaijan Baku city was visited by representatives of bodies of the constitutional control of the Russian Federation, the Federative Republic of Germany, Belgium, the Czech Republic, Slovakia, Hungary, Slovenia, Turkey, Spain, Ukraine, Georgia, Moldova, Lithuania, Latvia and other countries, and also the European Court of Human Rights.

At the international event organized by the Constitutional Court, the Conference on “Constitutional justice in the XXI century: the features and ways of development” devoted to the 15 anniversary of the Constitutional Court was held. During the Conference which was held with participation of judges of the European Court of Human Rights, foreign bodies of constitutional control and also the representatives of legal public of the Republic of Azerbaijan there were made the reports, was carried out the wide exchange of opinions concerning application of the international legal norms in the field of protection of human rights and freedoms in practice of the Constitutional Court, and also first of all the influence on the constitutional judicial proceedings of the European Court of Human Rights.

### **III. Interactions between European courts in the jurisprudence of constitutional courts**

The Partnership and Cooperation Agreement is the base of mutual relations between the Republic of Azerbaijan and the European Union. The Court of the European Union possesses binding jurisdiction concerning EU member states but Azerbaijan is not a member of this international organization. In this regard, the case-law of the Court of the European Union and Constitutional Court of the Republic of Azerbaijan have no considerable influence on each other.