

Annual international scientific-practical conference
on the occasion of the Day of the Constitution,
dedicated to the 30th anniversary of the establishment
of the Constitutional Court of the Republic of Lithuania



Mykolas Romeris
universitetas



LIETUVOS RESPUBLIKOS
SEIMAS



LIETUVOS RESPUBLIKOS
KONSTITUCINIS TEISMAS



LIETUVOS
SEIMAS

CONSTITUTIONAL REVIEW

AS AN ESSENTIAL ELEMENT OF A DEMOCRATIC STATE

Adopted in the referendum of the Nation on 25 October 1992, the Constitution of the Republic of Lithuania, for the first time in the history of Lithuanian law, provides that the verification of the constitutionality of legal acts adopted by the Seimas, the Government and the President of the Republic is carried out by an autonomous constitutional review institution, independent from other state authorities. In accordance with the provisions of Chapter VIII of the Constitution, the Constitutional Court of the Republic of Lithuania was established in spring 1993. The first sitting in a constitutional justice case took place on 15 September 1993.

The Constitutional Court, which has by now been administering constitutional justice and ensuring the supremacy of the Constitution in the legal system of Lithuania already for 30 years, has become an integral part of the constitutional, legal and political order of Lithuania. As the official interpreter of the provisions of the Constitution, by gradually developing the official constitutional doctrine, it helps to ensure the viability of the Constitution, to adapt to changes in the legal system and to provide answers to present-day challenges. Without an independent constitutional review institution, the functioning of any democratic state governed by the rule of law is inconceivable.

20 October 2023

Vilnius

Venue:

the Conference Hall of the Seimas of the Republic of Lithuania. The Conference will be held live and can also be watched remotely on the TV channel "Seimas – tiesiogiai" and the YouTube channel "Atviras Seimas".

Languages:

Lithuanian and English (with simultaneous interpretation and sign language interpretation).



PROGRAMME OF THE CONFERENCE

9.00–9.20

OPENING

Moderators: Prof. Dr. Tomą Birmontienė, Professor of the Law School of Mykolas Romeris University, and Dr. Stasys Šedbaras, Justice of the Constitutional Court of the Republic of Lithuania

Congratulatory statements:

- Viktorija Čmilytė-Nielsen, Speaker of the Seimas of the Republic of Lithuania
- Irena Haase, Chair of the Committee on Legal Affairs of the Seimas of the Republic of Lithuania
- Prof. Dr. Lyra Jakulevičienė, Dean of the Law School of Mykolas Romeris University

9.20–9.40

Thirty years of the activity of the Constitutional Court of the Republic of Lithuania in creating and fostering a democratic state

Dr. Gintaras Goda, President of the Constitutional Court of the Republic of Lithuania

9.40–10.30

PART I. THE BEGINNINGS OF CONSTITUTIONAL REVIEW IN LITHUANIA

Moderators: Prof. Dr. Daiva Petrylaitė, Justice of the Constitutional Court of the Republic of Lithuania, and Assoc. Prof. Dr. Ernestas Spruogis, Associate Professor of the Law School of Mykolas Romeris University

- **The fundamentals of constitutional review in interwar Lithuania**
Prof. Dr. Juozas Žilys, Professor Emeritus of the Law School of Mykolas Romeris University, the first President of the Constitutional Court of the Republic of Lithuania
- **Constitutional review in the draft Constitutions of restored independent Lithuania**
Prof. Dr. Egidijus Jarašiūnas, Chairman of the Council of Mykolas Romeris University, Affiliate Professor of the Law School of Mykolas Romeris University, former Justice of the Constitutional Court of the Republic of Lithuania
- **The establishment of the Constitutional Court and the beginning of its activity**
Prof. Dr. Vytautas Sinkevičius, Professor Emeritus of the Law School of Mykolas Romeris University, former Justice of the Constitutional Court of the Republic of Lithuania

10.30–10.50

Coffee break

10.50–12.00

PART II. CONSTITUTIONAL REVIEW AND A LIVING CONSTITUTION

Moderators: Prof. Dr. Milda Vainiutė, Professor of the Law School of Mykolas Romeris University, and Prof. Dr. Aurelijus Gutauskas, Justice of the Constitutional Court of the Republic of Lithuania

- **The integrity of the Constitution and constitutional review**
Prof. Dr. Egidijus Kūris, Judge of the European Court of Human Rights, former President of the Constitutional Court of the Republic of Lithuania, Professor of the Faculty of Law of Vilnius University
- **Constitutional dismemberment in constitutional courts**
Prof. Dr. Richard Albert, Professor of the Law School of the University of Texas
- **The influence of the official constitutional doctrine on the jurisprudence of courts of general jurisdiction**
Prof. Dr. Gediminas Sagatys, Chairman of the Association of Judges of the Republic of Lithuania, Judge of the Supreme Court of Lithuania, Partnership Professor of the Law School of Mykolas Romeris University
- **Challenges to constitutional review and its prospects**
Prof. Dr. Toma Birmontienė, Professor of the Law School of Mykolas Romeris University, former Justice of the Constitutional Court of the Republic of Lithuania

12.00–13.30

Lunch break

13.30–14.30 PART III. THE PROTECTION OF HUMAN RIGHTS AND FREEDOMS

Moderators: Prof. Dr. Edita Žiobienė, Partnership Professor of the Law School of Mykolas Romeris University, and Algis Norkūnas, Justice of the Constitutional Court of the Republic of Lithuania

- **The constitutional foundations for the protection of human rights and freedoms**
Prof. Dr. Danutė Jočienė, Professor of the Law School of Mykolas Romeris University, former President of the Constitutional Court of the Republic of Lithuania
- **The concept of human dignity in the judgments of the Constitutional Court of the Republic of Latvia**
Prof. Dr. Sanita Osipova, Professor of the Faculty of Law of the University of Latvia, former President of the Constitutional Court of the Republic of Latvia
- **The multi-layered protection of constitutional human rights and freedoms**
Prof. Dr. Skirgailė Žalimienė, President of the Supreme Administrative Court of Lithuania, Professor of the Faculty of Law of Vilnius University
- **The problems of the defence of human rights and freedoms in the activity of advocates**
Mindaugas Kukaitis, Chairman of the Council of the Lithuanian Bar

14.30–15.30 PART IV. EXPERIENCE OF CONSTITUTIONAL REVIEW IN DEMOCRATIC STATES

Moderators: Prof. Dr. Toma Birmontienė, Professor of the Law School of Mykolas Romeris University, and Prof. Dr. Vytautas Mizaras, Justice of the Constitutional Court of the Republic of Lithuania

- **Legal and social grounds of the functioning of the constitutional court. Warnings from the case of Poland**
Prof. Dr. Marek Zubik, Professor of the Faculty of Law and Administration of the University of Warsaw, former Justice of the Constitutional Tribunal of the Republic of Poland
- **Constitutional rights in the case law of the Riigikohus**
Dr. Madis Ernits, Professor of the Faculty of Law of the University of Tartu
- **The operation of the Constitutional Court of Ukraine under martial law**
Prof. Dr. Oleksandr Petryshyn, Judge of the Constitutional Court of Ukraine, academician of the National Academy of Legal Sciences of Ukraine, Professor of the Faculty of Law of Yaroslav Mudryi National Law University in Kharkiv
- **The influence of the constitutional jurisprudence of other countries on the development of the Lithuanian constitutional doctrine**
Dr. Jolita Miliuvienė, lecturer at the Law School of Mykolas Romeris University, advisor to the President of the Constitutional Court of the Republic of Lithuania

15.30–16.00 DISCUSSION, CONCLUSIONS AND CLOSING OF THE CONFERENCE