



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

HDS/DEL/16/08
16 May 2008

Slovenian Presidency of the Council of the European Union

2008 Human Dimension Seminar Warsaw, 16 May 2008

EU Closing Statement

Mr. Chairman, Excellencies, Ladies and Gentlemen,

In its opening statement made two days ago, the EU highlighted some of the most important principles relating to constitutional justice. The discussions that have taken place in the seminar have confirmed that, although there are different judicial and constitutional systems in the participating States, we are all united by our common OSCE commitments. These should be fully implemented in order to protect the rights of all. The EU believes that it is therefore important that the issues discussed at the seminar remain high on the OSCE agenda.

The importance of the topic of this seminar cannot be overstated. An effective and independent judiciary and respect for the rule of law are cornerstones of peaceful and democratic societies. Constitutional courts, used here to refer to all bodies authorised to carry out constitutional review, are a guarantee for some of the most basic elements of the rule of law.

The European Union has formulated a number of recommendations that it would like to contribute to the follow-up of this event. These recommendations address the separation of powers, the independence, impartiality and effectiveness of the judiciary, access to justice, the transparency of judicial proceedings, and the enforcement of judicial rulings. We will distribute them with this statement.

eu2008.si



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

We hope that all participating States of the OSCE will seize the opportunity that this seminar has provided to reflect on the provision of justice in their own states. A particular word of gratitude is reserved for the representatives of civil society who have enriched our discussions with their presence and input; such discourse is an indispensable element of democracy.

In closing, we would like to thank the Polish host Government, the Chairmanship, the Director of ODIHR and his staff, and everyone who has contributed to making this seminar the success it was.

Mr. Chairman,

Let me take this opportunity, at Ambassador Strohal's last human dimension meeting in Warsaw, to express the EU's profound gratitude to him for all that he has done, not only in ensuring the success of this and the many other meetings organised under his stewardship, but moreover for keeping the ODIHR at the forefront of promoting human rights in the OSCE region.

The EU would also like, on this occasion – that has focused on questions of the rule of law and provision of justice – to thank Vladimir Shkolnikov, Head of the ODIHR Democratisation Department, for his 10 years dedicated service to the OSCE. We congratulate him for the many successes of his department.

The EU wishes Ambassador Strohal and Dr. Shkolnikov the very best for the future.

eu2008.si



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

Recommendations

The EU would like to propose the following recommendations:

1. In accordance with OSCE commitments, the participating States should ensure the separation of powers with its corresponding system of checks and balances as an essential element of the democratic order within society. This means both that participating States should (a) ensure that power is not confined to the executive, but shared with an independent judiciary and representative parliament: and (b) allow a free media and civil society to exert control over state power.
2. The independence and impartiality of the judiciary must be guaranteed. Participating states should provide practical safeguards to ensure the independence of the judiciary, for example fixed term of appointment, appointment on the basis of merit, adequate salary and training, and the protection of the human rights of members of the judiciary, their personal freedom and integrity. Judges should be removed only in cases of misconduct or incapacity.
3. Access to justice must be guaranteed both in law and in practice. Access to justice can be impeded if courts are unable to render their decisions within a reasonable time. Participating States should enhance the principle of access to justice by simplifying and accelerating judicial proceedings, while preserving fundamental procedural safeguards. Substantial delays in the administration of justice and the increasing workload of courts should be addressed by way of effective and practical solutions, such as procedural improvements.

eu2008.si



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

4. To ensure the protection of fundamental freedoms and rights guaranteed by constitutional law and international commitments, it is essential that the right to be heard in court is effectively provided. This implies in particular the right to professional legal assistance and representation in legal proceedings by a freely chosen lawyer.
5. Guarantees of the transparency of judicial proceedings are an important element in improving trust in the entire judicial system. Participating states should ensure appropriate public and media access to courts is facilitated.
6. Judicial rulings must be enforced. A lack of enforcement puts at risk the public's confidence in the judicial system. Participating states should ensure that rulings are respected and enforced by state authorities.

The candidate countries Turkey and Croatia, the countries of the Stabilisation and Association Process and potential candidate countries Albania and Serbia, the European Free Trade Association country and member of the European Economic Area Norway, as well as Ukraine, the Republic of Moldova and Armenia align themselves with this statement.

eu2008.si