



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

HDS/DEL/6/08
14 May 2008

Slovenian Presidency of the Council of the European Union

2008 Human Dimension Seminar Warsaw, 14 May 2008

EU Opening Statement

Mr. Chairman, Excellencies, Ladies and Gentlemen,

Let me begin by thanking the OSCE Office for Democratic Institutions and Human Rights for hosting this meeting here in Warsaw. The European Union welcomes the opportunity provided by this seminar to exchange information and to discuss constitutional justice, and thanks the Finnish Chairmanship-in-Office for proposing this innovative topic. We also thank both keynote speakers for their interesting and thought-provoking presentations.

The EU welcomes the presence of representatives of other international organisations and of non-governmental organisations here today. NGO participation in OSCE meetings, as enshrined in the 1992 Helsinki Document, is a strength of the organisation. Open and honest discussions between governments and civil society are to be promoted and encouraged.

An effective judiciary and the rule of law are cornerstones of peaceful and democratic societies. The effective functioning of constitutional courts, used here to refer to all bodies authorised to carry out constitutional review, is a guarantee for some of the most basic elements of the rule of law.

Although there are different systems in place in OSCE participating States, constitutional courts play an important role in ensuring the supremacy of

eu2008.si



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

constitutional provisions. They are also pivotal in ensuring the fulfilment of obligations in international law, including international human rights law. Obligations assumed at the international level, including those translated into domestic legislation through constitutional provisions, should be fully implemented in order to protect the rights of all. The rule of law as an abstract notion is not enough.

Furthermore, constitutional courts are an integral part of a system of checks and balances to ensure that power is not confined to the executive, but shared with an independent judiciary, representative parliament, free media and civil society. Constitutional courts are able to interpret and clarify the boundaries of authority for the executive and legislature, ensure the accountability of state institutions, and assist in maintaining the stability of constitutional order. Constitutional courts, as guardians of the constitution, have the final word in the review of the conformity of the acts of all state authorities with the constitution. The rule of law requires the effective execution of judgements against the state and that the legislative and executive authorities of a state are not placed above the law.

Yet in order to fulfil these tasks, constitutional courts must function effectively and fairly, free from attempts to unduly influence, misuse, or overrule their decisions. They must be accessible and transparent, independent and impartial. It is imperative that access to justice is guaranteed, that court decisions can be rendered within a reasonable delay, and that judgements are fully enforced. All OSCE participating states have committed themselves to the right to a fair trial (Vienna 1989), to protect the independence of the judiciary (Copenhagen 1990), and to respect internationally recognised standards relating to the impartial operation of the public judicial service (Moscow 1991). Courts must enjoy the conditions they require to function effectively and fairly in all participating States of the OSCE.

eu2008.si



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

The promotion of the rule of law is a priority for the EU. The EU is working to strengthen the rule of law by numerous means, including its European Neighbourhood Policy, the EU Central Asia Strategy, Partnership and Cooperation Agreements, and its requirements on states wishing to accede to the EU. A stable, secure and prosperous neighbourhood, committed to democracy, liberty and the rule of law, is in all our interests. In this context, let me highlight that the EU is currently developing its Rule of Law Initiative for Central Asia. This initiative is a central element of a strengthened EU approach to human rights, rule of law, good governance and democratisation as outlined in the EU's Strategy for a New Partnership with this region which was adopted in 2007.

Mr. Chairman, according to article 6(1) of the Treaty on the European Union, the EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. We believe in constitutional justice and we work to promote it in the world. It is our sincere hope that all participating States of the OSCE will seize the opportunity that our discussions over the next couple of days will provide in order to reflect on the judicial systems and the treatment of the judiciary in their own states. We hope to gain insight into the experiences of others and to identify possible areas for action which will bring us closer to our common goals.

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

eu2008.si