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OSCE Human Dimension Implementation Meeting Warsaw, 19 - 30 September 2016

Working session 8: Rule of Law I

Mr. Moderator,

I am honoured to speak on behalf of the European Union.

The EU attaches great value to the rule of law, democratic law-making, independence of the judiciary and the right to a fair trial.

The European Union recommends that:

1. Participating States involve all layers of society in law making processes, including civil society.
2. Participating States make legislation accessible to all citizens. We call upon all States to work towards the Sustainable Development Goals and in particular Goal 16.
3. Participating States respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power. We call upon all participating States to meet OSCE commitments to guarantee the independence of their judiciaries
4. Participating States adhere to the Basic Principles on the Independence of the Judiciary.

The rule of law is the backbone of European democracy, and is one of the founding principles of the EU stemming from the common constitutional traditions of all Member States. This is why the European Commission introduced a new framework to strengthen the rule of law in 2014.



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The rule of law is inextricably linked to the protection of human rights and fundamental freedoms. We recognise that all persons, institutions and entities, public and private, including the State itself, are bound by just, fair, proportionate and equitable laws. Every person, institution and entity is entitled, without discrimination, to equal protection by the law. Independency and impartiality of the judiciary is necessary to ensure the rule of law and to guarantee the right to a fair trial for all. Selectivity and the arbitrary exercise of powers in the application of the law should be avoided.

The EU welcomes the adoption by the UN General Assembly in 2015 of the Sustainable Development Goals, through which states pledge to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” These new Global Goals require the rule of law for their implementation.

A transparent and inclusive law-making process is a driver for political, economic and social development. All States must ensure that law-making is an inclusive process, involving all layers of society. Civil society organisations play a crucial role in conveying public opinion to elected officials. Strengthening of political processes contributes to improving citizen participation and accountability.

The respect of the separation of powers is also essential. The EU supports empowering the legislatures in exercising their legislative responsibilities in order to provide transparency and accountability. We call upon all participating States to meet OSCE commitments to guarantee the independence of their judiciaries

Strengthening the rule of law is the responsibility of us all, the EU and its Member States included. We are prepared to recognise the challenges that we need to address ourselves and indicate our willingness for dialogue on how to strengthen the rule of law. The EU considers it important to be a partner in the efforts to strengthen the rule of law and cooperate on this important topic with other States.



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The EU commends the efforts of ODIHR in providing technical support in the rule of law field, as a means of assisting States to comply with OSCE commitments regarding (inter alia) judicial independence and criminal justice reform. We also support ODIHR's monitoring activities, since the presence of impartial and objective observers during elections encourages States to comply with their commitments in the area of rule of law. We also support ODIHR's efforts to promote democratic law-making: their analysis of national legislation provides valuable assistance that can benefit all states, including the EU Member States. We are looking forward to the Human Dimension Seminar planned by the German Chairmanship and ODIHR later this year on the topic of "Promoting effective and integral justice systems: How to ensure the independence and quality of the judiciary".

Thank you.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as the REPUBLIC OF MOLDOVA, GEORGIA and ANDORRA align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.