

**Address by Dr Janusz Stańczyk,
Under-Secretary of State at the Ministry of Foreign Affairs,
at the opening session of the seminar on “Upholding the Rule of Law and
Due Process in Criminal Justice Systems”
Warsaw, May 10 2006**

Ladies and Gentlemen,

On behalf of the Polish Government I wish to welcome you to the annual OSCE human dimension seminar devoted to “Upholding the Rule of Law and Due Process in Criminal Justice Systems”, organized in Warsaw by the OSCE Office for Democratic Institutions and Human Rights. For three days, experts from the participating States and international organizations as well as representatives of the civil society will be debating on the rule of law – which, alongside democracy and the observance of human rights and fundamental freedoms, constitutes the very foundation of the OSCE.

Over the years, issues pertaining to the rule of law have been repeatedly considered at OSCE meetings and seminars. In 2002 we debated in Warsaw on the system of justice in the context of the protection of human rights. A meeting in Vienna in 2005 was devoted to the struggle against terrorism and its legal aspects which must not contradict human rights. Also that year a meeting in Tbilisi focused on the role of defence lawyers in guaranteeing a fair trial. The Human Dimension Implementation Meetings’ sessions on the rule of law also attract numerous participants, whose animated discussions and confrontation of different viewpoints produce concrete recommendations for the participating States and the ODIHR.

Thus, we can rightfully ascertain that these issues remain very much in the center of attention of states, organizations, the civil society and individual citizens. I believe there are two main reasons for this.

First of all, most participating States are either striving to build democratic political systems, or to consolidate those that already exist. It was the CSCE/OSCE that in the Eighties and Nineties stimulated the development of civil societies and nurtured democratic transformations amid the collapse of the totalitarian system. The OSCE institutions established to monitor human rights commitments have operated commendably. Their activity and dedication have brought positive changes on the political map of Europe and Asia. A case in point are the democratic changes in Ukraine: between the election in 2004 and the March poll in 2006 the Ukrainian leadership and the country’s robust civil society demonstrated a commitment to building a pluralistic system. In the

Balkans, the OSCE and the entire international community have proven their determination to preserve stability, which is a precondition for the emergence of democratic societies and states. Poland has emphatically underlined the crucial role of OSCE support for the efforts of the participating States to build a stable democracy, since the rule of law can only exist in democratic states. The interest of the participating States in this subject matter and their appreciation of its importance can only enhance democracy.

Another reason why the rule of law is so prominent among the human dimension issues is the growing awareness among citizens of their rights and duties. There is a universal conviction in democratic societies that the law should protect the citizens from any infringement of their rights and freedoms by the authorities, and that no one – especially members of the authorities – is above the law. The citizens, or – more broadly – the civil society, want a clear separation of powers, including a fair, transparent and accessible judicial system, with independent judges, highly competent prosecutors and skilled attorneys.

Ladies and Gentlemen,

Today's seminar is focused on the organization and efficiency of criminal justice systems in the participating States. That efficiency is determined by all the components of the system: the police, prosecutors, attorneys and judges whose work ensures the security of the citizens. However, in pursuing that objective no part of the criminal justice system should abuse its power and violate or restrict human rights, which we are committed to uphold.

As I look through the agenda of today's meeting and the list of the invited introducers and moderators, I am confident that it will yield impressive results. The exchange of views and experiences among specialists and other interested persons will be supplemented by elaboration of recommendations for the participating States, who will be supported in this by the ODHIR.

As an executive branch representative of one of the participating States, I realize that we are not likely to avoid criticism on the part of the NGOs and individuals whose rights may have been violated in any way by the criminal justice system. Occasionally, the rights of citizens are infringed upon or restricted due to errors, inaction or misconceived decisions taken by the authorities. Furthermore, we are aware of instances of interference by the executive branch in the work of the judiciary, of attempts to violate the independence of judges and undermine their competencies. Criticism by the NGOs and the civil society can only help us understand the problem better, enhancing the confidence of the citizens in their

state and consolidating the state itself. That, in my opinion, is the primary role of the human dimension meetings and seminars.

Ladies and Gentlemen,

May your debates be fruitful. Your critical analysis of the problems at issue will benefit us in the future, helping us fulfill the commitments we made as we commenced the Helsinki process. I am convinced that the professionalism of ODIHR Director Christian Strohal and the dedication of his staff in preparing this meeting will ensure its unqualified success.

Let me take this opportunity to invite the seminar participants to a reception given today by the Ministry of Foreign Affairs at 6 Foksal Street.

Thank you for your attention.