



Spanish Presidency of the European Union

Human Dimension Seminar
Warsaw, 19th May 2010

EU statement on the Human Dimension Seminar “Strengthening judicial independence and public access to justice” closing statement

Final Version

Mr. Chairman, Excellencies, Ladies and Gentlemen,

At the end of this interesting and valuable seminar, the EU would like to reiterate its gratitude to the OSCE Office for Democratic Institutions and Human Rights for organizing this important event.

Our thanks go also to the key-note speaker, introducers and moderators and to all those who actively participated in this seminar, especially to the representatives of civil society, who have enriched our discussions. The EU believes that their participation is of key importance and that their concerns should be addressed in a proper way.

Despite our different judicial systems, all the participating States are bound by our common OSCE commitments. Let me express our conviction that through the OSCE and together with other

international organizations and institutions, both at the governmental and nongovernmental level, the EU will further pursue the promotion of stability and security on the basis of democracy, the rule of law and respect for human rights.

The promotion of the rule of law is a priority for the EU. In any democratic society, individuals and legal persons need effective legal remedies, including judicial review, of administrative decisions and acts to protect their rights in their relations with administrative agencies.

As we have seen at this seminar, an effective judicial administration, fair and transparent selection procedures for judges based on objective criteria and mechanisms to hold judges accountable contribute to strengthening the judiciary in OSCE participating States.

Providing public access to trials is a crucial guarantee for fair trial which contributes to building public confidence in the administration of justice. Accountability of all public authorities is an indispensable precondition for strengthening the rule of law.

The EU would like to recall once again the outstanding work done by the ODIHR and the OSCE field missions through various projects to support the participating States in promoting the rule of law.

Mr. Chairman,

The European Union has formulated several recommendations to support and encourage further strengthening of the rule of law in the OSCE area. We invite participating States and the ODIHR to study these recommendations closely and would welcome further discussion of their implementation at the Human Dimension Implementation Meeting and in the Human Dimension Committee.

Recommendations:

The participating States should acknowledge and preserve the key role of the judiciary in a democratic society. Judicial independence is a pre-requisite for the rule of law and the fundamental guarantee to a fair trial.

Judicial independence presupposes unrestricted impartiality on the part of judges in criminal, civil and administrative proceedings. Every decision related to the appointment and promotion of judges should be based on objective criteria and taken in an independent and transparent manner.

In order to ensure the transparency of judicial proceedings special attention should be paid to relations between the courts, the public and media.

Accessibility and clarity of the language used by the courts in proceedings and decisions are of utmost importance. All important courts decisions should be publicly available.

A legal aid system should be established by each state to enable access to justice for everyone.

Thank you, Mr. Chairman