



EUROPEAN UNION

OSCE Supplementary Human Dimension Meeting Rule of Law and protection of human rights Vienna, 11-12 July 2013

EU Statement – Session 1

The role of legislative, regulatory and institutional framework as well as governments and civil society in the promotion and protection of human rights

The protection of human rights and fundamental freedoms within a system of government based on the rule of law was a founding principle of the European Union and one which all Member States sign up to on accession.

The EU is based on the rule of law, which is a key component to protect and promote fundamental rights. Every action taken by the EU is founded on legally binding treaties approved by all EU member states. At the same time the exercise of public power is subject to the rule of law. The Court of Justice of the European Union reviews the legality of the acts of the EU institutions in the light of human rights and fundamental freedoms, ensures that Member States comply with obligations under the Treaties, and interprets European Union law at the request of the national courts and tribunals. The Court can also impose fines on Member States for non-compliance with its rulings.

All countries wishing to join the EU must respect the rule of law and the rights and obligations enshrined in the European Convention on Human rights and the Charter of Fundamental Rights of the European Union.

The rule of law is an essential pre-condition for the development of a stable political framework and efficient economic structures. Systems based on the rule of law offer protection against arbitrary application or interpretation of laws and provide for the respect of human rights and fundamental freedoms of every citizen. Explicit protection is also guaranteed for vulnerable people - the victims of crime, people belonging to minorities or those fleeing persecution or serious harm in their own country and therefore in need of international protection.

As part of its obligation under the rule of law, the European Union and its Member States are also highly committed to the full implementation of the Copenhagen commitment which notably states "all persons are equal before the law and entitled without discrimination to the equal protection of the law". In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground. In this regard, the interdependence of our Human Dimension OSCE commitments should be kept in mind. The implementation of commitments towards democratic society and the rule of law go hand in hand with the respect for human rights and fundamental freedoms, as well the combat of all forms of discrimination. If one is lacking, the other cannot be achieved.

The EU also assists third countries in strengthening the rule of law.

For example the EU – Central Asia Rule of Law Initiative, launched in November 2008 supported reforms and shared experience between the EU and Central Asia in the area of legal and judicial reforms, including intensified policy dialogue at all levels. The Initiative envisages two kinds of actions: an EU-Central Asia Rule of Law Platform and specific long-term projects.

The rule of law is also a key component of the EU Eastern Partnership, to which civil society actively contributes. Several initiatives were put in place to support civil society organisations in Eastern Partnership countries, such as Civil Society Forum and Neighbourhood Civil Society Facility.

We believe that an active and free civil society is essential to ensuring the protection and promotion of human rights and fundamental freedoms. An empowered civil society is a crucial component of any democratic system. Thus, the EU is convinced of the need to reinforce and protect the action of civil society and is greatly concerned by recent actions in some OSCE countries that have the effect of suppressing NGOs.

The EU fully supports the technical assistance provided by ODIHR in the rule of law area, as a means of assisting states to comply with the numerous OSCE commitments regarding independence of the judiciary and legal practitioners, as well as the impartial operation of the public judicial service (Copenhagen 1990, Moscow 1991, Brussels 2006) and trial monitoring activities. We also support ODIHR's work to promote democratic lawmaking. Their analysis of national legislation provides valuable assistance that can benefit all states including those in the EU.

In conclusion, we would like to thank the Chairmanship for providing the opportunity to discuss the wide range of mechanisms and instruments that facilitate the promotion and protection of human rights. We hope that the conclusions of this SHDM will assist all states in their efforts to fully implement their human dimension commitments.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Iceland+ and Serbia*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, and the EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova and Georgia, align themselves with this statement.

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

+ Iceland continues to be a member of the EFTA and of the European Economic Area.