



Spanish Presidency of the European Union

OSCE Human Dimension Seminar
Warsaw, 17 May 2010

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

Final Version

Mr. Chairman, Excellencies, Ladies and Gentlemen,

The EU thanks the OSCE Office for Democratic Institutions and Human Rights for organizing this seminar on “Strengthening judicial independence and public access to justice”.

We would also like to welcome all the panelists who accepted the invitation to contribute to our discussions. We equally welcome the representatives of other international organisations, academia, legal practitioners and civil society. The EU is convinced that it is essential to maintain a free and open dialogue between the NGOs and the participating States of the OSCE, as established by the Helsinki 1992 document. This is one of the principal strengths of our organization.

Together with respect for human rights and democracy, the rule of law is at the core of the OSCE’s concept of comprehensive

security. Consequently, we strongly supported the idea of a MC Decision on the rule of law in 2008. The EU appreciates the valuable work which is done, in particular, by the ODIHR and the OSCE field missions in this regard.

The rule of law is one of the key elements upon which the EU is based and is one of the fundamental aspects of our common foreign and security policy. Strengthening the rule of law in third countries through various EU programmes including the European Neighbourhood Policy, Partnership and Cooperation Agreements, Human Rights Dialogues and regional strategies has proven to be an effective means of protecting human rights and democracy worldwide.

An effective and independent judiciary is of paramount importance for ensuring the rule of law. Judiciaries must be free from any attempts to influence their findings. In order to prevent any possible interference in the judicial decision making process, the concept of separation of powers is deeply rooted in our constitutional systems. Support for individual independence and impartiality of judges can contribute to extending the rule of law further in the OSCE area.

Likewise, the EU believes that transparency is vital for the improvement of justice administration and enforcement of judicial decisions. It is of great importance that Courts are accessible and transparent, independent and impartial. The appointment procedure, the decision making process, the publication of judgements and many other aspects should all be subject to public scrutiny. Access of justice should be guaranteed, courts

decisions rendered within a reasonable delay and judgements fully enforced.

Therefore, we believe that issues such as efficient judicial administration, selection procedures for judges, public access to justice and accountability of judges which will be addressed in the next days at this seminar are very relevant for strengthening the role of the judiciary in the OSCE area.

In concluding, the EU would like to recall that all OSCE participating States have expressed their willingness to reinforce judicial independence on a number of occasions. They declared that they will respect internationally recognized standards relating to the independence of judges and legal practitioners and the impartial operation of the public judicial service. These commitments have been reaffirmed by all OSCE participating States by adopting MC Decision 7/08.

Mr. Chairman, the EU is fully committed to the promotion of the rule of law for the above mentioned reasons. The EU is looking forward to engaging with the participating States as well as the representatives of other international and non-governmental organizations in free flowing discussions on this important topic in the days ahead.