



Council of Europe

Slovenian Chairmanship
May to November 2009



29th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

“Breaking the silence – united against domestic violence”

18 June 2009, Tromsø, Norway

**Mr Aleš ZALAR, Minister of Justice of Slovenia,
on behalf of the Slovenian Chairmanship
of the Committee of Ministers of the Council of Europe**

Ministers, Ladies and Gentlemen,

It is an honour and a privilege for me to represent the Committee of Ministers of the Council of Europe at this 29th Conference of European Ministers of Justice. I am grateful to the Norwegian authorities for their hospitality and for the excellent organisation of this important event.

Dear Ministers, ladies and gentlemen, I would like to underline that the Committee of Ministers is well aware of the value of the Conferences of European Ministers. The topics chosen for these conferences closely reflect the concerns of the Organisation. Therefore, the work that comes out from these conferences has always resulted in concrete action within the Council of Europe. I would like to illustrate this by referring to previous conference of European ministers of justice, held in Lanzarote in 2007 and which was devoted to “Emerging issues of access to justice for vulnerable groups”. At the Lanzarote Conference several resolutions were adopted. These resolutions were examined by the Committee of Ministers in February 2008 and a number of decisions concerning their implementation were taken. Let me highlight this by mentioning one of the Lanzarote resolutions, namely Resolution No. 2 on child-friendly justice. This resolution resulted in a decision of the Committee of

Ministers to embody a Group of Specialist with the task of producing draft European guidelines on child-friendly justice by the end of this year. Furthermore, the Conference on the protection of children in European justice systems, organised by the Council of the Europe in co-operation with the Ministry of Justice of Spain earlier this year in Toledo (Toledo, 12-13 March 2009) addressed a number of recommendations to the mentioned Group of Specialists, in drafting the future European guidelines.

As this example demonstrates, the work produced by Ministerial conferences is not limited to the conferences themselves. On the contrary, that work is fully integrated in the programme of activities of the Council of Europe and, as such, constitutes an important element of a global process.

Therefore, I find the topic of this conference - domestic violence - very well chosen. Indeed, today's Conference builds on the conclusions of the previous conferences but also on the recent work pursued by the Council of Europe at the intergovernmental level. Looking backwards on this work, I would like to briefly recall some landmark decisions in the fight against domestic violence.

Twelve years ago, in 1997, in the Final Declaration adopted at the Second Council of Europe Summit held in Strasbourg, the Heads of state and government of the Member States affirmed their determination to combat violence against women and all forms of sexual exploitation of women.

In 2002, the Committee of Ministers adopted its Recommendation no. 5 on the protection of women against violence. The Recommendation covers gender-based violence throughout the lifetime of women and includes domestic violence.

At the Third Summit of the Organisation, held in Warsaw in 2005, the need for reinforced action by the Council of Europe to prevent and combat violence against women was recognised by the Heads of State and Government in their Action Plan.

As a follow-up to this Action Plan, the Committee of Ministers approved, in June 2006, a Blueprint for a Council of Europe “Campaign to combat violence against women, including domestic violence”. The Blueprint clearly stated that governments have the responsibility to act with due diligence to prevent violence against women, to protect its victims and to award them compensation and to prosecute and punish the perpetrators.

The Campaign was launched in Madrid in November 2006 and ran until last summer. It gained a widespread support across Europe and it turned out to be one of the most successful campaigns ever launched by the Council of Europe. It certainly reached its objective by ensuring a greater awareness of the phenomenon of domestic violence and of its gravity at all levels of the society.

In May 2008, a Council of Europe Task Force to combat violence against women, including domestic violence concluded that there is a need for a new legally binding human rights international instrument to prevent and combat violence against women.

In parallel, and in the light of a resolution adopted by the 27th Conference of European Ministers of Justice in Yerevan (Armenia) on 12-13 October 2006, the Committee of Ministers considered also the need for an additional Council of Europe legal instrument on violence against the partner.

Subsequently, on 10 December 2008, the Ministers’ Deputies invited a group of national experts to prepare “one or more legally binding instruments” to combat violence against women and domestic violence. The task of Ad hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO) is not an easy one. One of the main difficulties will be to prepare instruments that will focus on the elimination of violence against women but which will also allow for their application to all victims of domestic violence.

This Committee has held two meetings in 2009 and has produced an interim report which has been put at the disposal of the participants to this 29th Conference of European Ministers of Justice. The interim report will be examined by the Ministers’ Deputies on 1 July. Without prejudging the reaction of the Ministers’ Deputies, it

appears however that we are now moving rapidly towards new legally binding international standards that would spell out state obligations to prevent violence against women and domestic violence, protect its victims and prosecute perpetrators. These standards will be based inter alia on jurisprudence from treaty bodies such as the Committee on the Elimination of Discrimination against Women (CEDAW) as well as on the case-law of the European Court of Human Rights. The Court has further developed the scope of positive obligations of state authorities to effectively guarantee the right to life and the prevention of ill-treatment and to provide effective remedies to victims.

Ministers, Ladies and Gentlemen,

Domestic violence has devastating physical and emotional consequences for the victims. It is an unacceptable violation of human rights and, as such, calls for a firm action of our Organisation whose main objective is, precisely, the protection of human rights together with pluralist democracy and the rule of law. In this light I see the recent case law of the Strasbourg court shows an important step further in this fight against domestic violence.

So, the fight against the scourge of domestic violence is quite rightly now at the heart of the activities of the Council of Europe. By setting up new international standards, the Organisation will contribute to combat in an efficient and concrete way violence against women and domestic violence. I do hope that the work underway will soon come to completion.

However, whilst standard setting activities are crucial to ensuring progress, these standards are worthless if they are not implemented. An efficient monitoring system of these standards will need to be set up. Once the standards are adopted, there will still be much work to be done in this respect in order to ensure that we exercise due diligence to prevent, investigate and punish violence against women and domestic violence as well as to provide protection to victims.

I will transmit any conclusions this Conference may reach on future action in this respect to the Committee of Ministers, in order that they be given thorough

consideration and, as you know, the Committee did not hesitate to act upon the resolutions of your previous Conference. I certainly believe that this will be an excellent conference, with worthwhile exchanges and good results.

Dear Ministers, as you all know in about one hour from now the Council of Europe will open for signature Convention on Access to Official Documents. As you might be informed, Slovenia has put considerable effort in drafting of the Convention and was one of the supporters of a strong Convention that would envisage high modern standards in the right to access official information. We are aware that the document is a result of a compromise and is not as progressive as we wish it to be, however it sets minimal standards and protects the right to access public information on international level, which is an important contribution and added value of Convention. With this in mind, Slovenia will be one of the first Member States to sign the Convention and would like to promote signing and ratification by other Member States as well. For this reason I would like to encourage you, dear colleagues, to examine the possibilities to sign the Convention also within your countries and carry out the necessary procedures so that Convention will enter into force as soon as possible.

Since today I am speaking on behalf of the Slovenian Chairmanship of the Committee of Ministers I would also like to inform you that Slovenia will promote human rights and rule of law as two key values of the Council of Europe especially intensively during its chairmanship. I will avail this opportunity to inform you about the concrete steps of the Slovenian Ministry of Justice. In September in Bled we will start by organizing a *Round table on the Ways of Protection of the Right to Trial within a Reasonable Time* in which Slovenia would like to encourage discussion and exchange of national experiences on effective ways of dealing with the backlogs of court and the protection of the right to trial within a reasonable time.

In October we will organise at the Slovenian seaside - in Portorož a *Round-table on the Criminal Procedural Rights of the European Convention on Human Rights in the light of the EU Law*, which aims to stimulate discussion about effective ways of protecting the procedural rights in criminal proceedings and the issue of their protection to the European Court of Human Rights and the Court of Justice.

Last but not least Slovenia will be the host of the joint meeting of the Consultative Council of European Judges and Consultative Council of European Prosecutors. It will

be for the first time that these two councils plenary will be held outside Strasbourg. In addition, for the first time there will be one, joint opinion and hence joint meetings, so it is a "premiere" from all points of view.

On this note, I conclude by expressing the hope that also you or your colleagues will be able to attend the aforementioned events in Slovenia in autumn 2009.

Thank you.