

29th Council of Europe Conference of Ministers of justice
“Breaking the silence – united against domestic violence”
Tromsø, 18-19 June 2009

SPEECH on Preliminary draft resolution No.3

Mr Ernst HIRSCH BALLIN, Minister of Justice, NETHERLANDS

My esteemed colleagues, esteemed host and distinguished participants,

I would like to underline the importance of this resolution. The Council of Europe has made an outstanding and essential contribution to the development and the upholding of European rule of law standards and principles across our continent. Over sixty years, it has developed considerable expertise with monitoring human rights standards. Its well-established bodies, such as the European Court of Human Rights, the Committee for the Prevention of Torture and the European Commission for the Efficiency of Justice have had a tremendous impact on the reinforcement of the rule of law within its 47 member states.

Therefore I especially welcome this initiative, which streamlines these activities and aims to enhance the rule of law by better coordination. It will create the possibility to make even better use of the Council of Europe's potential in this field.

The idea of streamlining Council of Europe rule of law activities is also complementary to an initiative which I tabled within the EU context. As a contribution to the EU Stockholm Programme, I have recently proposed an additional evaluation system in the field of judicial cooperation in criminal matters. This proposal aims at setting up a new EU rolling evaluation programme of selected issues relating to the quality, integrity and fairness of national legal systems in order to strengthen mutual trust between member states. These could for example include length of proceedings, access to justice, treatment in detention, and integrity of judicial and other officials.

As I stated, Council of Europe bodies have built up significant expertise in analysing issues relating to the quality, integrity and equity of national legal systems. Therefore, their experience should be taken as a reference point and an important source in any new EU-initiative. Clearly, in identifying structural institutional and procedural obstacles in national legal systems of EU Member States, and in determining the necessary measures to remedy these problems, the work of Council of Europe mechanisms should be used. The Memorandum of Understanding between the EU and the Council of Europe should serve as a foundation for such EU-Council of Europe cooperation in evaluating the rule of law. This is not only crucial for ensuring coherence and creating synergy, but also for avoiding duplication, evaluation fatigue and additional costs on the part of States.

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