

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

SPEECH

Ms Beatrice ASK, Minister of Justice, SWEDEN

Dear colleagues, ladies and gentlemen,

First of all let me express my appreciation for having been given this opportunity to visit the beautiful city of Tromsø. I am glad to be here.

The topics of this conference are of great importance. Many important comments have been made. It is a temptation to respond on some, but since I am unable to attend the meeting tomorrow, I would like to focus on the 3rd draft resolution on Rule of Law.

The quality of our institutions and proceedings are important, especially when justice has to be made in cases where the evidence are questioned, there is a lack of witnesses and when victims are scared and in a emotional trauma.

When we talk about Rule of Law, we are dealing with a topic which some tend to give different meanings depending on which legal culture you represent and where in the world this culture has its roots. However, here we should focus on those standards that are necessary in order to meet the requirements in the Council of Europe obligations. And those necessary to develop closer co-operation with the European Union, as in the Eastern Partnership which Sweden is pursuing together with other EU countries.

I think that in most European legal systems there are certain fundamental elements we have in common and on which a society adhering to this principle must be built. Among these are

- the principle of legality,
- equality before the law,
- independent courts and fair trials,
- respect for civil and political rights,
- no tolerance for corruption, and
- an efficient system for the control of the actions of the administration.

These are all fundamental elements in the work of the Council of Europe as well as the European Union in the field of Rule of Law. They are the basic for citizens trust in legal systems too. And as we all know, if people do not trust the judicial system, it undermines the stability in any society. And it is always the weakest that suffer the most.

Although the instruments may differ and the methods of delivery be adapted to specific countries and situations, there must be no mistake made when it comes to the absolute nature of the values enshrined in the rule of law. Where these conditions are not met, even the most developed systems will be working in vain.

Before us at this conference is a draft resolution that calls for better use of existing bodies to enable regular review in member states of the different aspects defining a state governed by the rule of law. The case-law of the European Court of Human Rights together with legal instruments of the Council of Europe constitute an *acquis*, a benchmark against which we may measure performance in any system concerned. And we must evaluate, otherwise the rules would have nothing but declaratory value.

An efficient rule of law review by the Council of Europe requires close co-ordination within the secretariat and different institutions as well as external co-operation as with the EU and other international actors. Sweden therefore supports this proposal and believes it is crucial for judicial cooperation in Europe. It is a measure to ensure trust in each others systems. We have come a long way in monitoring systems in the Council of Europe but more practical tools and methods are required in order to achieve internal and external coherence.

As we know that the EU is considering evaluation mechanisms in this field as well, I believe we need to ensure that the two processes follow each other in parallel, and where possible assist each other. We should avoid duplication of work, and instead invite the European Union to join forces with the Council of Europe to strengthen and promote the rule of law all over Europe.

This leads me to make a short comment on one of the main priorities of the Swedish EU presidency, which begins on the 1st of July. The present five-year work programme in the area of justice and home affairs, the Hague Programme, expires in 2009. During the Swedish presidency a new programme - The Stockholm Programme – will be negotiated. The aim of the programme is to define the framework for EU police and customs cooperation, civil protection, criminal and civil law cooperation, asylum, migration and visa policy for the period 2010–2014. The Programme will be discussed at the informal ministerial meeting in Stockholm in July 2009 and ultimately adopted by EU Heads of State and Government at the Summit in December 2009.

One important aspect of the Stockholm programme is to achieve a better balance between repressive measures and measures securing the rule of law and the rights of the individual such as rules on the individual rights in criminal proceedings, rules on international protection and rules on data protection. This does not mean that we would abstain from security. On the contrary, the Union's objective is to create a high level of safety for the citizens.

Common minimum rules on procedural rights in criminal proceedings is not only of importance in order to secure the individuals' rights but also in order to ensure trust for each others' legal systems as well as the citizens' trust in the EU. Common rules should aim at securing fundamental procedural rights such as the right to translation and interpretation, the right to defence and the right to information. However, past negotiations have shown that there is a need to deal with the issue with a long term perspective and with a step-by-step approach. We would like to agree on a strategy for procedural rights, a roadmap, during our presidency and take a first step by starting with a proposal on translation and interpretation. Our ambition is not to duplicate the European Convention for Human Rights, but to create added value in this field and take measures that can improve adherence to the rights set out in the Convention. (And of course, every action in this area needs to be "Strasbourg-proof".)

There are several aspects on the specific topic domestic violence. Due to the time limit, I conclude, by saying that the Swedish Action plan for combating men's violence against women can be found in English on the Governments website.

Thank you for your attention.